

February 24, 2023

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

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CHELSEY GOSSE,) Civil Action No.
) 3:20-cv-01446-RDM-MCC
)
Plaintiff,)
)
)
vs)
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US BANK NA, et al,)
)
)
Defendants.)
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- - -

VIRTUAL DEPOSITION OF JENNIFER WILBERT

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AGENCY

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<p>1 VIRTUAL DEPOSITION OF JENNIFER</p> <p>2 WILBERT, a witness herein, called by the</p> <p>3 Plaintiffs, for examination, taken pursuant to</p> <p>4 the Federal Rules of Civil Procedure, by and</p> <p>5 before Karen A. Nickel, a Certified Realtime</p> <p>6 Reporter and a notary public in and for the</p> <p>7 Commonwealth of Pennsylvania, held remotely</p> <p>8 with all parties appearing from their</p> <p>9 respective locations, on Friday, February 24,</p> <p>10 2023, at 11:00 a.m.</p> <p>11 COUNSEL PRESENT:</p> <p>12 For the Plaintiffs:</p> <p>13 Christina Henry, Esq.</p> <p>14 Henry & DeGraaff, P.S.</p> <p>15 119 First Avenue South</p> <p>16 Suite 500</p> <p>17 Seattle, WA 98104</p> <p>18 chenhry@hdm-legal.com</p> <p>19</p> <p>20 Robert P. Cocco, Esq.</p> <p>21 Robert P. Cocco, PC</p> <p>22 1500 Walnut Street, Suite 900</p> <p>23 Philadelphia, PA 19102</p> <p>24 bob.cocco@phillyconsumerlaw.com</p> <p>25</p> <p>1 Scott C. Borison, Esq.</p> <p>2 Borison Law Firm, LLC</p> <p>3 5500 Buckeystown Pike</p> <p>4 Frederick, MD 21703</p> <p>5 For the Defendant, U.S. Bank, NA:</p> <p>6 Albert J. Rota, Esq.</p> <p>7 Jones Day</p> <p>8 2727 North Harwood Street</p> <p>9 Suite 500</p> <p>10 Dallas, TX 75201</p> <p>11 ajrota@jonesday.com</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 For the Defendant, National Collegiate Student</p> <p>2 Loan Trust 2007-3:</p> <p>3 Justin G. Weber, Esq.</p> <p>4 Troutman Pepper</p> <p>5 3000 Two Logan Square</p> <p>6 Eighteenth and Arch Streets</p> <p>7 Philadelphia, PA 19103</p> <p>8 justin.weber@troutman.com</p> <p>9</p> <p>10 For the Defendant, Ratchford Law Group:</p> <p>11 Andrew M. Schwartz, Esq.</p> <p>12 Gordon Rees</p> <p>13 Three Logan Square</p> <p>14 1717 Arch Street</p> <p>15 Suite 610</p> <p>16 Philadelphia, PA 19103</p> <p>17 amschwartz@grsm.com</p> <p>18 For the Defendant, Transworld Systems, Inc.:</p> <p>19 Bryan C. Shartle, Esq.</p> <p>20 Bradley J. St. Angelo, Esq.</p> <p>21 Sessions, Israel & Shartle, LLC</p> <p>22 3850 North Causeway Boulevard</p> <p>23 Suite 200</p> <p>24 Metairie, LO 70002</p> <p>25 bshartle@sessions.legal</p> <p>1 bstangelo@sessions.legal</p> <p>2 For the Deponent:</p> <p>3 Stacey A. Scrivani, Esq.</p> <p>4 Stevens & Lee</p> <p>5 111 North Sixth Street</p> <p>6 Reading, PA 19601</p> <p>7 stacey.scrivani@stevenslee.com</p> <p>8</p> <p>9 - - -</p> <p>10 I N D E X</p> <p>11</p> <p>12 WITNESS PAGE</p> <p>13</p> <p>14 Jennifer Wilbert</p> <p>15</p> <p>16 By Ms. Henry 6, 137</p> <p>17 By Ms. Scrivani 132</p> <p>18 By Mr. Shartle 133</p> <p>19 By Mr. Rota 134</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 E X H I B I T S</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 P R O C E E D I N G S</p> <p>2 THE COURT REPORTER: The</p> <p>3 attorneys participating in this deposition</p> <p>4 acknowledge that I am not physically present in</p> <p>5 the deposition room and that I will be</p> <p>6 reporting this deposition remotely.</p> <p>7 They further acknowledge that, in</p> <p>8 lieu of an oath administered in person, the</p> <p>9 witness will verbally declare her testimony in</p> <p>10 this matter is under penalty of perjury.</p> <p>11 The parties and their counsel</p> <p>12 consent to this arrangement and waive any</p> <p>13 objections to this manner of reporting. Please</p> <p>14 indicate your agreement by stating your name</p> <p>15 and your agreement on the record.</p> <p>16 MS. SCRIVANI: Stacey</p> <p>17 Scrivani, we agree on behalf of the witness.</p> <p>18 MR. ROTA: Al Rota, we agree</p> <p>19 on behalf of U.S. Bank.</p> <p>20 MS. HENRY: Christina Henry,</p> <p>21 we agree on behalf of the Plaintiffs.</p> <p>22 MR. SHARTLE: This is Bryan</p> <p>23 Shartle. We agree on behalf of Transworld</p> <p>24 Systems, Inc.</p> <p>25 MR. SCHWARTZ: Andrew</p>

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<p style="text-align: right;">Page 6</p> <p>1 Schwartz, we agree on behalf of Ratchford</p> <p>2 Group.</p> <p>3 MR. WEBER: Justin Weber,</p> <p>4 agree on behalf of National Collegiate Student</p> <p>5 Loan Trust 2007-3.</p> <p>6 JENNIFER WILBERT, a witness herein,</p> <p>7 having been first duly sworn, was examined and</p> <p>8 testified as follows:</p> <p>9 EXAMINATION</p> <p>10 BY MS. HENRY:</p> <p>11 Q. Good morning.</p> <p>12 A. Good morning.</p> <p>13 MS. HENRY: Before we get</p> <p>14 started, there has been an agreement between</p> <p>15 the Defendants about how objections will be</p> <p>16 handled in this matter. I'm going to ask Al</p> <p>17 Rota to put that agreement on the record.</p> <p>18 MR. ROTA: The parties have</p> <p>19 agreed that an objection made on behalf of one</p> <p>20 Defendant will count as an objection on behalf</p> <p>21 of all the other Defendants.</p> <p>22 Given that we all have different</p> <p>23 clients, more than one of us may object at any</p> <p>24 time, but we're going to endeavor to try to</p> <p>25 avoid that.</p>	<p style="text-align: right;">Page 7</p> <p>1 MS. HENRY: Thank you.</p> <p>2 MS. SCRIVANI: Ms. Henry, if I</p> <p>3 may, on behalf of PHEAA, first, we would like</p> <p>4 to reserve reading and signing. Second, I</p> <p>5 would just like to make a brief statement on</p> <p>6 the record.</p> <p>7 Ms. Wilbert is here as a designee on</p> <p>8 behalf of Pennsylvania Higher Education</p> <p>9 Assistance Agency, which will be referred to as</p> <p>10 PHEAA throughout today, pursuant to a Subpoena.</p> <p>11 The final topic document requests</p> <p>12 were provided late in the day yesterday</p> <p>13 following several weeks of discussions between</p> <p>14 myself and counsel for PHEAA and Plaintiff's</p> <p>15 counsel, Mr. Cocco, during which we discussed</p> <p>16 PHEAA's understanding of the narrow issue to be</p> <p>17 inquired into, specifically, that reference to</p> <p>18 the owner issue, which is not otherwise defined</p> <p>19 in the Subpoena, Exhibit A, refers to whether</p> <p>20 National Collegiate Student Loan Trust 2007-3</p> <p>21 is the owner of Plaintiff's loan, and Ms.</p> <p>22 Wilbert is prepared to testify with respect to</p> <p>23 those topics in connection with that statement.</p> <p>24 BY MS. HENRY:</p> <p>25 Q. My name is Christina Henry and I'm</p>
<p style="text-align: right;">Page 8</p> <p>1 the attorney for the Plaintiff. Can I ask you</p> <p>2 to state your full name for the record.</p> <p>3 A. Jennifer Susan Wilbert.</p> <p>4 Q. Sorry, can you say that one more</p> <p>5 time?</p> <p>6 A. Jennifer Susan Wilbert.</p> <p>7 Q. Thank you. And where do you live,</p> <p>8 Jennifer?</p> <p>9 A. I live in New Cumberland,</p> <p>10 Pennsylvania.</p> <p>11 Q. And where are you physically now?</p> <p>12 A. I am at the PHEAA headquarter</p> <p>13 building in Harrisburg, Pennsylvania.</p> <p>14 Q. And how far is Harrisburg,</p> <p>15 Pennsylvania, from your home?</p> <p>16 A. About ten minutes.</p> <p>17 Q. I'm going to take your deposition.</p> <p>18 This is the corporate deposition of</p> <p>19 Pennsylvania Higher Education Assistance</p> <p>20 Agency, otherwise known as PHEAA. PHEAA also</p> <p>21 does business as American Education System or</p> <p>22 AES; is that correct?</p> <p>23 A. American Education Services.</p> <p>24 Q. American Education Services. Thank</p> <p>25 you.</p>	<p style="text-align: right;">Page 9</p> <p>1 And I'm going to put in the chat</p> <p>2 here -- can you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Let me try that again. Let me open</p> <p>5 it first. Okay. Can you see that document?</p> <p>6 A. Yes, I can.</p> <p>7 Q. And I also should put this in the</p> <p>8 chat so you can see it, so that everybody sees</p> <p>9 it. All right. If everyone can see that</p> <p>10 document in the chat, this document is going to</p> <p>11 be Exhibit A. This document is a Subpoena.</p> <p>12 And if I go to the next page, it is the updated</p> <p>13 topics, Exhibit A for this deposition.</p> <p>14 (Deposition Exhibit No. 1 was</p> <p>15 marked for identification.)</p> <p>16 BY MS. HENRY:</p> <p>17 Q. So this exhibit is going to be</p> <p>18 marked as Exhibit 1, which is a Subpoena for</p> <p>19 today's deposition. Have you seen this</p> <p>20 document and have you reviewed it?</p> <p>21 MS. SCRIVANI: I'm going to</p> <p>22 just object, Ms. Henry. The document that I'm</p> <p>23 seeing looks like it's updated, particularly on</p> <p>24 Page 1, with today's date and time. I never</p> <p>25 actually received an updated version of this.</p>

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<p style="text-align: right;">Page 10</p> <p>1 I am not objecting to the document. I just</p> <p>2 want to be clear that I did not share it with</p> <p>3 my client because I didn't have it. So she has</p> <p>4 seen the topics, but not the first couple of</p> <p>5 pages of it.</p> <p>6 MS. HENRY: All right.</p> <p>7 BY MS. HENRY:</p> <p>8 Q. And Ms. Wilbert, have you seen the</p> <p>9 Exhibit A that's attached to this Subpoena?</p> <p>10 A. Yes.</p> <p>11 Q. And are you familiar with these</p> <p>12 topics?</p> <p>13 A. Yes, I am.</p> <p>14 Q. Okay. Now, have you been designated</p> <p>15 by PHEAA to represent the corporation today in</p> <p>16 this deposition?</p> <p>17 A. Yes, I have.</p> <p>18 Q. For this deposition, you are</p> <p>19 designated by PHEAA as the person most</p> <p>20 knowledgeable concerning the topics in Exhibit</p> <p>21 A, and are you reasonably available to talk</p> <p>22 about all the documents in the topics in this</p> <p>23 deposition?</p> <p>24 A. Yes --</p> <p>25 MR. ROTA: Objection.</p>	<p style="text-align: right;">Page 11</p> <p>1 BY MS. HENRY:</p> <p>2 Q. Ms. Wilbert?</p> <p>3 MS. SCRIVANI: You can answer.</p> <p>4 THE WITNESS: Yes, I am.</p> <p>5 BY MS. HENRY:</p> <p>6 Q. And are you also able to talk today</p> <p>7 about the loan for Ms. Chelsey Gosse, the</p> <p>8 Plaintiff in this action?</p> <p>9 MS. SCRIVANI: Objection. You</p> <p>10 can answer.</p> <p>11 THE WITNESS: I'm sorry,</p> <p>12 Stacey, did you say, please answer?</p> <p>13 MS. SCRIVANI: You can answer.</p> <p>14 THE WITNESS: Okay. Yes, I</p> <p>15 can talk to the loan.</p> <p>16 BY MS. HENRY:</p> <p>17 Q. Okay. And have you produced</p> <p>18 documents today that were requested in this</p> <p>19 Subpoena?</p> <p>20 A. That's correct.</p> <p>21 Q. Okay. And are you here today to</p> <p>22 produce those documents on behalf of PHEAA?</p> <p>23 MS. SCRIVANI: Objection. I'm</p> <p>24 not sure I understand the question. I sent the</p> <p>25 documents over last night, with an extra one</p>
<p style="text-align: right;">Page 12</p> <p>1 this morning, so I'm not sure what the question</p> <p>2 is.</p> <p>3 BY MS. HENRY:</p> <p>4 Q. So those documents were produced by</p> <p>5 your attorney yesterday to us. Are those</p> <p>6 documents that are produced on behalf of PHEAA</p> <p>7 and are you prepared to present them today on</p> <p>8 behalf of this Subpoena?</p> <p>9 MS. SCRIVANI: You can answer.</p> <p>10 THE WITNESS: I provided the</p> <p>11 documents to Stacey, and I'm prepared to</p> <p>12 discuss them.</p> <p>13 BY MS. HENRY:</p> <p>14 Q. Okay. And those documents were</p> <p>15 labeled PHEAA-Gosse 00001 through 000315; is</p> <p>16 that correct?</p> <p>17 A. I don't know the exact titles of the</p> <p>18 documents, but I can certainly look at them and</p> <p>19 confirm that those are the documents.</p> <p>20 Q. Those are actually the Bates numbers</p> <p>21 on the bottom, and then this morning, I</p> <p>22 received two additional documents that were</p> <p>23 000315 A through 315 B.</p> <p>24 MS. SCRIVANI: The labels were</p> <p>25 added by counsel.</p>	<p style="text-align: right;">Page 13</p> <p>1 THE WITNESS: Yes, that's</p> <p>2 correct.</p> <p>3 BY MS. HENRY:</p> <p>4 Q. Can I ask you who designated you to</p> <p>5 speak on behalf of PHEAA this morning?</p> <p>6 MS. SCRIVANI: Objection. You</p> <p>7 can answer.</p> <p>8 THE WITNESS: My legal counsel</p> <p>9 reached out to me to discuss this matter.</p> <p>10 BY MS. HENRY:</p> <p>11 Q. And who is your legal counsel?</p> <p>12 MS. SCRIVANI: You can answer.</p> <p>13 THE WITNESS: Jim Jarecki,</p> <p>14 James Jarecki initially reached out to me</p> <p>15 regarding the declaration.</p> <p>16 BY MS. HENRY:</p> <p>17 Q. And does Mr. Jarecki work for PHEAA?</p> <p>18 A. He does.</p> <p>19 Q. Did you have any conversations about</p> <p>20 your designation as a corporate representative</p> <p>21 for these topics for your testimony today?</p> <p>22 MS. SCRIVANI: Objection.</p> <p>23 With whom?</p> <p>24 BY MS. HENRY:</p> <p>25 Q. Ms. Wilbert?</p>

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<p style="text-align: right;">Page 14</p> <p>1 A. I'm not sure I understand the</p> <p>2 question.</p> <p>3 MS. SCRIVANI: I don't</p> <p>4 understand the question.</p> <p>5 BY MS. HENRY:</p> <p>6 Q. Did you have any conversation with</p> <p>7 anyone about your designation as the corporate</p> <p>8 representative for these topics today?</p> <p>9 MS. SCRIVANI: You can answer.</p> <p>10 THE WITNESS: I discussed with</p> <p>11 my attorneys.</p> <p>12 BY MS. HENRY:</p> <p>13 Q. Okay. Did you discuss with anyone</p> <p>14 else?</p> <p>15 A. No.</p> <p>16 Q. Do you understand that the answers</p> <p>17 you're giving today will be on behalf of PHEAA</p> <p>18 and not by you individually?</p> <p>19 A. Yes.</p> <p>20 Q. Do you understand that the answers</p> <p>21 you give will be all the information that is</p> <p>22 available to PHEAA?</p> <p>23 MS. SCRIVANI: Objection. You</p> <p>24 can answer.</p> <p>25 THE WITNESS: I'm sorry, when</p>	<p style="text-align: right;">Page 15</p> <p>1 you say "all the information that is available</p> <p>2 to PHEAA" --</p> <p>3 BY MS. HENRY:</p> <p>4 Q. Concerning these topics.</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Have you ever had your</p> <p>7 deposition taken before?</p> <p>8 A. Yes.</p> <p>9 Q. How many times have you had your</p> <p>10 deposition taken?</p> <p>11 A. One time.</p> <p>12 Q. And can you tell me, what was the</p> <p>13 occasion for that deposition?</p> <p>14 A. It was a regulatory matter.</p> <p>15 Q. Would you tell me a little bit more</p> <p>16 about that?</p> <p>17 MS. SCRIVANI: No. I'm going</p> <p>18 to instruct the witness that she's unable to</p> <p>19 answer that question. It's unrelated to the</p> <p>20 matters at issue in this case and it is</p> <p>21 pursuant to regulatory obligations that govern</p> <p>22 PHEAA that she is unable to provide any</p> <p>23 additional information.</p> <p>24 MS. HENRY: So you're</p> <p>25 instructing her not to answer?</p>
<p style="text-align: right;">Page 16</p> <p>1 MS. SCRIVANI: I am.</p> <p>2 BY MS. HENRY:</p> <p>3 Q. So who did you meet with today to</p> <p>4 prepare for your deposition testimony?</p> <p>5 A. Stacey, as well as Andy Petsu, who</p> <p>6 is also joining us today.</p> <p>7 Q. Did you meet with any employees of</p> <p>8 PHEAA?</p> <p>9 A. No, I did not.</p> <p>10 Q. Did you meet with any other</p> <p>11 employees or people that were not lawyers</p> <p>12 outside of PHEAA?</p> <p>13 A. No, I did not.</p> <p>14 Q. And how much time did you prepare</p> <p>15 for today's testimony?</p> <p>16 A. I believe we had three meetings</p> <p>17 together, and then I prepared offline to review</p> <p>18 the documents.</p> <p>19 Q. And have you done any other</p> <p>20 preparation, outside of preparing for today's</p> <p>21 testimony, in relation to this lawsuit?</p> <p>22 MS. SCRIVANI: Objection. You</p> <p>23 can answer.</p> <p>24 THE WITNESS: Not outside of</p> <p>25 this, no.</p>	<p style="text-align: right;">Page 17</p> <p>1 BY MS. HENRY:</p> <p>2 Q. In relation to Ms. Gosse's loan,</p> <p>3 have you talked to anyone else at PHEAA</p> <p>4 regarding this loan?</p> <p>5 MS. SCRIVANI: Objection. You</p> <p>6 mean outside of counsel?</p> <p>7 MS. HENRY: Yes.</p> <p>8 MS. SCRIVANI: You can answer.</p> <p>9 THE WITNESS: Outside counsel,</p> <p>10 no, not other than Stacey.</p> <p>11 MS. SCRIVANI: Outside of</p> <p>12 counsel, all counsel.</p> <p>13 THE WITNESS: Oh. Sorry. I'm</p> <p>14 having a little bit of trouble.</p> <p>15 BY MS. HENRY:</p> <p>16 Q. Let me repeat it. Outside of just</p> <p>17 preparing for today's deposition, have you</p> <p>18 spoken to anyone else, outside of the lawyers</p> <p>19 that you have already discussed about</p> <p>20 Ms. Gosse's loan?</p> <p>21 A. Specific to this Subpoena, no.</p> <p>22 Q. What about specific to this lawsuit?</p> <p>23 A. No.</p> <p>24 Q. Did you review any documents in</p> <p>25 preparation for your testimony?</p>

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<p style="text-align: right;">Page 18</p> <p>1 A. Yes.</p> <p>2 Q. And what documents did you review?</p> <p>3 A. I reviewed the documents that were</p> <p>4 submitted to you, the loan sale agreement, the</p> <p>5 borrower's account.</p> <p>6 I'm sorry. I think I might have</p> <p>7 said the loan sale agreement. I meant the loan</p> <p>8 sale file. All of the documents that were</p> <p>9 produced to you. The servicing agreement, the</p> <p>10 declaration.</p> <p>11 Q. Anything else?</p> <p>12 A. I believe that's all.</p> <p>13 Q. And what else did you do to prepare</p> <p>14 for today's deposition?</p> <p>15 MS. SCRIVANI: Objection. You</p> <p>16 can answer.</p> <p>17 THE WITNESS: Thank you. I</p> <p>18 did not do anything additional.</p> <p>19 BY MS. HENRY:</p> <p>20 Q. Those documents that you just talked</p> <p>21 about, the loan sale document -- let's see, you</p> <p>22 said Gosse's loan file, the -- let's see. You</p> <p>23 said the loan file and all the other documents</p> <p>24 that were produced yesterday for this</p> <p>25 deposition, and the documents attached to your</p>	<p style="text-align: right;">Page 19</p> <p>1 declaration.</p> <p>2 Was there anything else that you</p> <p>3 looked at?</p> <p>4 MS. SCRIVANI: Objection,</p> <p>5 asked and answered. You can answer.</p> <p>6 THE WITNESS: Nothing</p> <p>7 specific, outside of the borrower's loan, no.</p> <p>8 BY MS. HENRY:</p> <p>9 Q. And where were those documents kept</p> <p>10 at PHEAA?</p> <p>11 A. We have several different places, so</p> <p>12 the loan details are still on COMPASS, which is</p> <p>13 our servicing system. The loan sale file is</p> <p>14 stored in PageCenter.</p> <p>15 The servicing agreements are stored</p> <p>16 in our legal database, as well as some of my</p> <p>17 files themselves, and some of the borrower's</p> <p>18 supporting documentation is stored in our</p> <p>19 FileNet system.</p> <p>20 Q. Anything else?</p> <p>21 A. I believe that's all of the</p> <p>22 documents.</p> <p>23 Q. And in those different systems, how</p> <p>24 are they filed?</p> <p>25 MS. SCRIVANI: Objection. You</p>
<p style="text-align: right;">Page 20</p> <p>1 can answer.</p> <p>2 THE WITNESS: Can you expand</p> <p>3 on your question as to how they are filed?</p> <p>4 BY MS. HENRY:</p> <p>5 Q. Okay. Well, you said that they were</p> <p>6 stored in several different places. The loan</p> <p>7 file was stored in the PageCenter. The</p> <p>8 servicing documents are stored in a legal</p> <p>9 database, and some of the files themselves are</p> <p>10 also stored in other places.</p> <p>11 How are they actually -- let's say,</p> <p>12 how are they indexed; how do you find them?</p> <p>13 A. Okay. So for our COMPASS servicing</p> <p>14 system that is the system that houses all the</p> <p>15 loan detail, I need to log in with my user name</p> <p>16 and password, and then I can search for a</p> <p>17 borrower with an SSN or account number or by</p> <p>18 name.</p> <p>19 The documents contained in FileNet,</p> <p>20 I can also identify those by a borrower's SSN,</p> <p>21 so they are indexed at the SSN level.</p> <p>22 The documents in contract workflow</p> <p>23 are identified by the lender's name, so they</p> <p>24 would be indexed by the lender that they were</p> <p>25 logged under. And for PageCenter, those files</p>	<p style="text-align: right;">Page 21</p> <p>1 are stored within a designated, what we call</p> <p>2 mailbox.</p> <p>3 So, for example, the lender has</p> <p>4 their mailbox. There's various page sets</p> <p>5 within that mailbox. I selected on loan sale.</p> <p>6 It then provides dates. I would go back to</p> <p>7 that date and then search by SSN.</p> <p>8 Q. You mentioned a new -- a new place.</p> <p>9 I think you said content workflow?</p> <p>10 A. I said contract workflow.</p> <p>11 Q. Contract workflow?</p> <p>12 A. Yes. That's where the legal</p> <p>13 documents for contracts are stored.</p> <p>14 Q. So that's where the contracts are</p> <p>15 stored?</p> <p>16 A. Yes.</p> <p>17 Q. So that's an additional place?</p> <p>18 A. We do, to clarify, we do have a</p> <p>19 separate place for contracts that are stored,</p> <p>20 but older contracts are stored in contract</p> <p>21 workflow. So these specific contracts were in</p> <p>22 contract workflow, just to clarify.</p> <p>23 Q. Okay. And can I ask you, why are</p> <p>24 the documents in so many different places?</p> <p>25 MS. SCRIVANI: Objection. I</p>

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<p style="text-align: right;">Page 22</p> <p>1 don't know if you can answer that, but you can</p> <p>2 try. I think it's beyond the scope.</p> <p>3 THE WITNESS: I mean, I don't</p> <p>4 know why exactly, but I can tell you that many</p> <p>5 of them are in different formats. They require</p> <p>6 different databases based on the format.</p> <p>7 BY MS. HENRY:</p> <p>8 Q. Okay. In your experience, if you</p> <p>9 have to gather information from a borrower,</p> <p>10 where do you usually go to get information</p> <p>11 first, you first go to --</p> <p>12 MR. ROTA: Objection.</p> <p>13 MS. SCRIVANI: You can answer.</p> <p>14 THE WITNESS: I'm sorry,</p> <p>15 Stacey. What did you say?</p> <p>16 MS. SCRIVANI: You can answer.</p> <p>17 THE WITNESS: It depends on</p> <p>18 what information that I'm looking for.</p> <p>19 BY MS. HENRY:</p> <p>20 Q. Okay. If you're looking to find out</p> <p>21 which trust owns the loan, which database would</p> <p>22 you look in?</p> <p>23 A. I would first go to COMPASS.</p> <p>24 Q. And what information ownership is</p> <p>25 stored in COMPASS?</p>	<p style="text-align: right;">Page 23</p> <p>1 A. COMPASS, through the borrower's</p> <p>2 detail record, has the original lender, as well</p> <p>3 as the current owner.</p> <p>4 For the trust, it also identifies</p> <p>5 the securitization it was included in by the</p> <p>6 bond issue.</p> <p>7 Q. Okay. What is a bond issue?</p> <p>8 MS. SCRIVANI: Objection. You</p> <p>9 can answer if you know.</p> <p>10 THE WITNESS: It's a</p> <p>11 designated field on our COMPASS system that is</p> <p>12 where we store the date of the securitization.</p> <p>13 So when I say "date," for example, 2007-3, we</p> <p>14 create a code for that and put it in that bond</p> <p>15 issue field on our system. It's just an</p> <p>16 identifier.</p> <p>17 BY MS. HENRY:</p> <p>18 Q. Okay. So I'm going to ask the</p> <p>19 question again. Do you know what a bond issue</p> <p>20 is?</p> <p>21 MS. SCRIVANI: Objection,</p> <p>22 asked and answered. If you have a different</p> <p>23 answer, you can provide it then.</p> <p>24 THE WITNESS: I don't have a</p> <p>25 different answer to provide.</p>
<p style="text-align: right;">Page 24</p> <p>1 BY MS. HENRY:</p> <p>2 Q. Let me ask again. Apart from the</p> <p>3 field in your COMPASS system, do you know what</p> <p>4 a bond issue is?</p> <p>5 MS. SCRIVANI: Objection,</p> <p>6 outside the scope. You can answer if you know.</p> <p>7 THE WITNESS: I know that</p> <p>8 there are certain bonds that are tied to</p> <p>9 securitization, but it's not -- speaking to</p> <p>10 this, that field is not always used for that</p> <p>11 purpose.</p> <p>12 So I just -- that's why I'm telling</p> <p>13 you what that bond issue field on our COMPASS</p> <p>14 system is used for.</p> <p>15 BY MS. HENRY:</p> <p>16 Q. Okay. Just so that I can</p> <p>17 understand, what did you mean when you said</p> <p>18 that that field is not always used for that</p> <p>19 purpose?</p> <p>20 A. It depends on the lenders. For this</p> <p>21 specific item that we're talking about, 2007-3,</p> <p>22 securitization is identified by the bond issue</p> <p>23 field as NCT 2007-3.</p> <p>24 Q. Okay. And it's different for other</p> <p>25 trusts that are serviced by PHEAA?</p>	<p style="text-align: right;">Page 25</p> <p>1 MR. ROTA: Objection.</p> <p>2 MS. SCRIVANI: Objection. You</p> <p>3 can answer if you know.</p> <p>4 THE WITNESS: I don't work on</p> <p>5 other trusts, so I don't know what they use for</p> <p>6 the bond issue, if they use one. They may not.</p> <p>7 I know specific to this and the NCT</p> <p>8 securitization.</p> <p>9 BY MS. HENRY:</p> <p>10 Q. Okay. You mentioned securitization.</p> <p>11 What is securitization?</p> <p>12 MS. SCRIVANI: Objection. You</p> <p>13 can answer, to the best of your knowledge,</p> <p>14 personally.</p> <p>15 THE WITNESS: The</p> <p>16 securitizations were the loan sales that</p> <p>17 occurred between the original lender and the</p> <p>18 National Collegiate Trust. They did them for</p> <p>19 multiple years, maybe several within a year, to</p> <p>20 securitize the loans within a certain group by</p> <p>21 that trust.</p> <p>22 That's how I can best explain it.</p> <p>23 BY MS. HENRY:</p> <p>24 Q. Okay. You mentioned that when you</p> <p>25 pull information to put in the Social Security</p>

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<p style="text-align: right;">Page 26</p> <p>1 number or the borrower's name; correct?</p> <p>2 A. Correct.</p> <p>3 Q. Do you have to match the borrower's</p> <p>4 identification with some other data file, or is</p> <p>5 that Social Security number and borrower</p> <p>6 information in each data file?</p> <p>7 MR. ROTA: Objection.</p> <p>8 THE WITNESS: Any</p> <p>9 documentation that I'm looking for specific to</p> <p>10 that borrower, I would confirm that the data</p> <p>11 elements match.</p> <p>12 For example, if I'm looking at the</p> <p>13 credit agreement, I would look for a SSN,</p> <p>14 borrower name or disbursement date to ensure</p> <p>15 that it's the loan in question.</p> <p>16 BY MS. HENRY:</p> <p>17 Q. Okay. And that's actually looking</p> <p>18 at the loan documents themselves; right?</p> <p>19 A. Correct.</p> <p>20 Q. And just so I'm keeping up and can</p> <p>21 remember, where are those physical loan</p> <p>22 documents kept?</p> <p>23 A. FileNet.</p> <p>24 Q. FileNet. Okay. And are those</p> <p>25 imaged?</p>	<p style="text-align: right;">Page 27</p> <p>1 A. Yes.</p> <p>2 Q. And does PHEAA have the originals?</p> <p>3 A. I'm sorry, I didn't hear your</p> <p>4 question.</p> <p>5 Q. Does PHEAA have any originals?</p> <p>6 A. If we received the originals at</p> <p>7 disbursement and conversion, then we would</p> <p>8 maintain the originals.</p> <p>9 Q. And do you know if there are any</p> <p>10 originals for Ms. Gosse's loan?</p> <p>11 A. I do not know if there are</p> <p>12 originals.</p> <p>13 Q. Did you look at that before you --</p> <p>14 before your testimony today?</p> <p>15 A. I looked at the documents within</p> <p>16 FileNet and the signature on the document in</p> <p>17 FileNet. I did not confirm in our boxes of</p> <p>18 documents that we have originals.</p> <p>19 Q. Okay. Isn't it true that some</p> <p>20 originals are destroyed after a period of time?</p> <p>21 MS. SCRIVANI: Objection,</p> <p>22 beyond the scope. If you understand the</p> <p>23 question, you can answer.</p> <p>24 THE WITNESS: Yes. I mean,</p> <p>25 our internal policy is that, after a certain</p>
<p style="text-align: right;">Page 28</p> <p>1 amount of time, originals are destroyed, unless</p> <p>2 there's different clauses in the servicing</p> <p>3 agreement that indicate you have to maintain</p> <p>4 them for a certain amount of time.</p> <p>5 BY MS. HENRY:</p> <p>6 Q. So you said you work on 2007-3</p> <p>7 loans; correct?</p> <p>8 A. Correct.</p> <p>9 Q. Are you aware of any originals that</p> <p>10 still exist for 2007-3 loans?</p> <p>11 MR. ROTA: Objection.</p> <p>12 THE WITNESS: Do I answer,</p> <p>13 Stacey?</p> <p>14 MS. SCRIVANI: You can answer</p> <p>15 if you know.</p> <p>16 THE WITNESS: Specifically,</p> <p>17 no, I don't. I know we maintain originals for</p> <p>18 the trust, but I don't know, specifically, for</p> <p>19 2007-3, if there are paper copies of originals.</p> <p>20 There may be, at some point in time,</p> <p>21 the process did change that the borrower could</p> <p>22 electronically sign and that is deemed an</p> <p>23 original. And so those imaged copies of that</p> <p>24 document would be considered the original.</p> <p>25 So there may be documents in FileNet</p>	<p style="text-align: right;">Page 29</p> <p>1 that are the original document versus an actual</p> <p>2 paper copy.</p> <p>3 MR. ROTA: Christina, I'm</p> <p>4 sorry, Ms. Scrivani has made a number of</p> <p>5 objections. To keep the number of objections</p> <p>6 down, can we just have an agreement that all of</p> <p>7 her objections apply to all Defendants and</p> <p>8 moving forward, to the extent that she objects,</p> <p>9 it would apply to all?</p> <p>10 MS. HENRY: That's fine for</p> <p>11 now, yes.</p> <p>12 MR. ROTA: Thank you.</p> <p>13 MS. HENRY: Except, of course.</p> <p>14 When she is instructing the client not to</p> <p>15 answer. I think that that's only --</p> <p>16 MR. ROTA: I couldn't do that.</p> <p>17 I'm just talking about form, outside the scope,</p> <p>18 et cetera.</p> <p>19 MS. HENRY: Sure. All right.</p> <p>20 BY MS. HENRY:</p> <p>21 Q. Are there copies in other locations?</p> <p>22 MR. ROTA: Objection.</p> <p>23 MS. SCRIVANI: I'm sorry,</p> <p>24 could you repeat the question?</p> <p>25 BY MS. HENRY:</p>

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<p style="text-align: right;">Page 30</p> <p>1 Q. Are there copies of loan documents</p> <p>2 in other locations for the 2007-3 trust?</p> <p>3 MS. SCRIVANI: Objection. You</p> <p>4 can answer.</p> <p>5 THE WITNESS: Our copies are</p> <p>6 maintained in FileNet.</p> <p>7 BY MS. HENRY:</p> <p>8 Q. Does Transworld System have any</p> <p>9 copies of the loan documents for the 2007-3</p> <p>10 trust?</p> <p>11 MS. SCRIVANI: Objection. You</p> <p>12 can answer.</p> <p>13 THE WITNESS: They would have</p> <p>14 copies of the loan documents that we</p> <p>15 transferred to them when the loans default.</p> <p>16 They are transferred off our system, once they</p> <p>17 go to a zero balance, to TSI for our</p> <p>18 post-default collections.</p> <p>19 BY MS. HENRY:</p> <p>20 Q. I'm going to ask you, can you give</p> <p>21 me a little bit of background about yourself?</p> <p>22 Can you tell me a little bit about your</p> <p>23 education starting from high school and going</p> <p>24 forward?</p> <p>25 A. Yes. I went to high school at</p>	<p style="text-align: right;">Page 31</p> <p>1 Susquenita High School in Perry County. I then</p> <p>2 graduated and went to college in the University</p> <p>3 of Pittsburgh. I completed two and a half</p> <p>4 years at the University of Pittsburgh.</p> <p>5 Q. Okay. Can you tell me about your</p> <p>6 work history since after completing university</p> <p>7 -- at the University of Pittsburgh?</p> <p>8 A. Just since --</p> <p>9 Q. Starting from when you left</p> <p>10 university until now.</p> <p>11 A. So I worked at a store called R & S</p> <p>12 in Marysville, Pennsylvania, until I started</p> <p>13 working at PHEAA in November of 2002.</p> <p>14 I started as a customer service</p> <p>15 representative and then became a lender</p> <p>16 representative in July, I believe July of 2003.</p> <p>17 And then I believe around June of 2007, I went</p> <p>18 to client relations as a relationship manager.</p> <p>19 In 2014, I became a senior client</p> <p>20 relationship manager. And then in 2019, I</p> <p>21 became one of the directors of client</p> <p>22 relations.</p> <p>23 Q. Is that your current position?</p> <p>24 A. Yes, it is.</p> <p>25 Q. What are your job duties as the</p>
<p style="text-align: right;">Page 32</p> <p>1 director of client relations?</p> <p>2 A. I oversee several senior client</p> <p>3 relationship managers that would manage the</p> <p>4 portfolios directly with clients.</p> <p>5 I also oversee a team of lender</p> <p>6 representatives that work with the clients</p> <p>7 directly on borrower issues.</p> <p>8 Q. Anything else?</p> <p>9 A. No.</p> <p>10 Q. How many people work for you?</p> <p>11 A. Currently, five.</p> <p>12 Q. Are you working every day in the</p> <p>13 office?</p> <p>14 A. I am not. I am remote a few days a</p> <p>15 week and in the office a few days a week. It's</p> <p>16 a hybrid schedule.</p> <p>17 Q. Okay. In your position, do you</p> <p>18 handle any loans besides the 2007-3 trust?</p> <p>19 MS. SCRIVANI: Objection. You</p> <p>20 can answer.</p> <p>21 THE WITNESS: Yes, I do</p> <p>22 oversee clients that have loans outside of the</p> <p>23 2007-3 trust.</p> <p>24 BY MS. HENRY:</p> <p>25 Q. And what other clients?</p>	<p style="text-align: right;">Page 33</p> <p>1 MS. SCRIVANI: Objection.</p> <p>2 That's beyond the scope and it's proprietary</p> <p>3 information. I'm instructing her not to</p> <p>4 answer.</p> <p>5 BY MS. HENRY:</p> <p>6 Q. Let me rephrase this. What</p> <p>7 percentage of your clients are the 2007-3</p> <p>8 trust?</p> <p>9 MS. SCRIVANI: You can answer</p> <p>10 if you know.</p> <p>11 THE WITNESS: I don't know the</p> <p>12 percentage.</p> <p>13 BY MS. HENRY:</p> <p>14 Q. Do the five people who work for you,</p> <p>15 do they all work on the 2007-3 trust?</p> <p>16 A. They do not.</p> <p>17 Q. How many of the five people that</p> <p>18 work for you work on the 2007-3 trust?</p> <p>19 A. I have one senior client</p> <p>20 relationship manager that manages the portfolio</p> <p>21 as a whole, and then I have a lender</p> <p>22 representative that works on the trust, 2007-3</p> <p>23 trust, for borrower-related issues.</p> <p>24 Q. So who is the senior client manager;</p> <p>25 what is her name?</p>

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<p style="text-align: right;">Page 34</p> <p>1 A. Katrina Althouse.</p> <p>2 Q. Katrina?</p> <p>3 A. (Witness nodded head affirmatively.)</p> <p>4 Q. And is she located in the same</p> <p>5 office as you?</p> <p>6 A. Not today, but yes, when she is in</p> <p>7 the office, yes.</p> <p>8 Q. And what is the name of the lender</p> <p>9 rep?</p> <p>10 A. Lori Masso (phonetic).</p> <p>11 Q. And you said she handles borrower</p> <p>12 inquiries?</p> <p>13 A. Correct.</p> <p>14 Q. So is there just one person at PHEAA</p> <p>15 that handles borrower inquiries for the 2007-3</p> <p>16 trust?</p> <p>17 MS. SCRIVANI: Objection. Let</p> <p>18 me just get my objection on the record. These</p> <p>19 questions are beyond the scope of the very</p> <p>20 narrow issue that we are here for for this</p> <p>21 deposition.</p> <p>22 I'm going to let her answer, but if</p> <p>23 we keep going down this path, I'm probably</p> <p>24 going to stop my generosity.</p> <p>25 You may answer the question.</p>	<p style="text-align: right;">Page 35</p> <p>1 THE WITNESS: Due to the</p> <p>2 number of inquiries we could get on the lender</p> <p>3 team outside of just the 2007-3 trust, there</p> <p>4 could be backups in place across the team that</p> <p>5 could step in and answer an inquiry on the</p> <p>6 2007-3 trust.</p> <p>7 BY MS. HENRY:</p> <p>8 Q. PHEAA's main function is as a loan</p> <p>9 servicer; is that correct?</p> <p>10 MS. SCRIVANI: Objection. You</p> <p>11 can answer if you know.</p> <p>12 THE WITNESS: PHEAA, as a</p> <p>13 whole, has many different services, I'll say.</p> <p>14 I don't know that I would say our main item is</p> <p>15 servicing. We offer state grants, and that is</p> <p>16 our main mission.</p> <p>17 So we do servicing activity, but</p> <p>18 that is just a part of our business.</p> <p>19 BY MS. HENRY:</p> <p>20 Q. Okay. So when you say "servicing</p> <p>21 activity," what is loan servicing?</p> <p>22 A. Loan servicing would be from the</p> <p>23 point that the loan is converted to us, from</p> <p>24 the originator, until the loan is at a zero</p> <p>25 balance.</p>
<p style="text-align: right;">Page 36</p> <p>1 We would send the borrower billing</p> <p>2 statements, make phone calls up until the loan</p> <p>3 is outsourced. If the loan becomes delinquent,</p> <p>4 send delinquency letters.</p> <p>5 We would update their system of</p> <p>6 record when they remit any payments, take any</p> <p>7 borrower phone calls that may come in, offer</p> <p>8 them a portal and website to view their account</p> <p>9 details, as well as make payments.</p> <p>10 Q. Anything else?</p> <p>11 A. I would say that covers it.</p> <p>12 Q. Okay. As a loan servicer, does</p> <p>13 PHEAA have an obligation to maintain accurate</p> <p>14 records of the student loans they service?</p> <p>15 MS. SCRIVANI: Objection. You</p> <p>16 can answer.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MS. HENRY:</p> <p>19 Q. And why is that important?</p> <p>20 MS. SCRIVANI: Objection. Go</p> <p>21 ahead. You can answer.</p> <p>22 THE WITNESS: It's important</p> <p>23 because we're servicing a borrower's loan and</p> <p>24 we need to ensure that what we're sending them</p> <p>25 is accurate, as well as we are -- we have a</p>	<p style="text-align: right;">Page 37</p> <p>1 contract in place with the client that requires</p> <p>2 us to service the loan accurately.</p> <p>3 BY MS. HENRY:</p> <p>4 Q. Anything else?</p> <p>5 A. I don't believe so.</p> <p>6 Q. Why is it important to service the</p> <p>7 loan accurately?</p> <p>8 MS. SCRIVANI: Objection. You</p> <p>9 can answer.</p> <p>10 THE WITNESS: It's a</p> <p>11 borrower's loan. You're dealing with payments.</p> <p>12 You're dealing with their balance. You need to</p> <p>13 ensure that the loan is accurately reflecting</p> <p>14 the interest rate, the balance that they are</p> <p>15 paying down, if they are making payments on it,</p> <p>16 all the correspondence that may be coming in,</p> <p>17 any phone calls that may be occurring.</p> <p>18 It's the borrower's loan you're</p> <p>19 talking about, so it needs to be accurate.</p> <p>20 BY MS. HENRY:</p> <p>21 Q. Should a loan servicer keep the</p> <p>22 documents that they have for these loans in</p> <p>23 order?</p> <p>24 MS. SCRIVANI: Objection.</p> <p>25 MR. ROTA: Objection.</p>

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<p style="text-align: right;">Page 38</p> <p>1 MS. SCRIVANI: If you</p> <p>2 understand the question, you can answer it,</p> <p>3 Jen.</p> <p>4 THE WITNESS: I'm sorry, can</p> <p>5 you repeat the question again?</p> <p>6 BY MS. HENRY:</p> <p>7 Q. Should a loan servicer keep the</p> <p>8 documents they service in order?</p> <p>9 MS. SCRIVANI: Same objection.</p> <p>10 You can answer if you understand.</p> <p>11 THE WITNESS: I guess my</p> <p>12 question is in order how, what --</p> <p>13 BY MS. HENRY:</p> <p>14 Q. Organized.</p> <p>15 A. Organized?</p> <p>16 Q. Organized.</p> <p>17 MR. ROTA: Same objection.</p> <p>18 BY MS. HENRY:</p> <p>19 Q. So I'll say it again. Should a loan</p> <p>20 servicer keep the documents they service</p> <p>21 organized?</p> <p>22 MS. SCRIVANI: Objection. You</p> <p>23 can answer.</p> <p>24 THE WITNESS: My personal</p> <p>25 opinion is, yes, you would want to keep the</p>	<p style="text-align: right;">Page 39</p> <p>1 documents organized because the borrower is</p> <p>2 going to potentially call and inquire about</p> <p>3 their loan.</p> <p>4 You have certain obligations through</p> <p>5 the servicing agreement in which you need to</p> <p>6 maintain certain documentation. If you need to</p> <p>7 send the borrower anything, you need to</p> <p>8 identify that documentation that you are</p> <p>9 looking for.</p> <p>10 So, yes, the documents need to be</p> <p>11 organized, and also our representatives need to</p> <p>12 be able to find the documentation as well.</p> <p>13 BY MS. HENRY:</p> <p>14 Q. Okay. You said in the beginning</p> <p>15 that that answer was your personal feeling. If</p> <p>16 you were testifying on behalf of PHEAA, would</p> <p>17 your answer be any different?</p> <p>18 A. No.</p> <p>19 Q. Okay. Any other reason that you can</p> <p>20 think of as to why a servicer should keep the</p> <p>21 documents they service organized?</p> <p>22 A. No.</p> <p>23 Q. Okay. Do you have confidence that</p> <p>24 the documentation that PHEAA has is correct and</p> <p>25 accurate?</p>
<p style="text-align: right;">Page 40</p> <p>1 MS. SCRIVANI: Objection.</p> <p>2 With respect to Ms. Gosse's loan, with respect</p> <p>3 to 2007-3, with respect to every piece of paper</p> <p>4 in the building?</p> <p>5 MS. HENRY: I'll say it again.</p> <p>6 I'll strike that and say it again.</p> <p>7 BY MS. HENRY:</p> <p>8 Q. Would you have confidence that the</p> <p>9 documentation for the 2007-3 trust is correct</p> <p>10 and accurate?</p> <p>11 MR. ROTA: Objection.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MS. HENRY:</p> <p>14 Q. Why?</p> <p>15 MS. SCRIVANI: Objection. You</p> <p>16 can answer.</p> <p>17 THE WITNESS: We have an</p> <p>18 obligation to our clients to service the loans</p> <p>19 in accordance with their credit agreement and</p> <p>20 the servicing guidelines. And that means they</p> <p>21 need to be accurate.</p> <p>22 So my confidence is that they are</p> <p>23 being serviced accurately.</p> <p>24 BY MS. HENRY:</p> <p>25 Q. Do you have custody procedures for</p>	<p style="text-align: right;">Page 41</p> <p>1 these 2007-3 trust documents?</p> <p>2 MR. ROTA: Objection.</p> <p>3 MS. SCRIVANI: You can answer.</p> <p>4 THE WITNESS: We have a</p> <p>5 custodian agreement for this. As far as the</p> <p>6 procedures, that would be maintained in our</p> <p>7 records management department. I don't know</p> <p>8 how specific they get as far as this trust, so</p> <p>9 I cannot speak to that exactly.</p> <p>10 BY MS. HENRY:</p> <p>11 Q. Okay. Let's break that down. You</p> <p>12 said you have custodial agreements. What</p> <p>13 custodial agreement are you referring to?</p> <p>14 A. For the documents that we need to</p> <p>15 maintain for the 2007-3 trust.</p> <p>16 Q. Okay. And where is that custodial</p> <p>17 agreement?</p> <p>18 MR. ROTA: Objection.</p> <p>19 MS. SCRIVANI: You mean</p> <p>20 physically in which one of the systems is it</p> <p>21 maintained?</p> <p>22 BY MS. HENRY:</p> <p>23 Q. Let me ask. You've mentioned that</p> <p>24 there are custodian agreements. Can you tell</p> <p>25 me what custodian agreements you're referring</p>

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<p style="text-align: right;">Page 42</p> <p>1 to and where they are located.</p> <p>2 Just a moment.</p> <p>3 (Brief pause.)</p> <p>4 MS. HENRY: I'm sorry. I had</p> <p>5 an interruption. Let me back up to where I</p> <p>6 was.</p> <p>7 Can I have the court reporter repeat</p> <p>8 the question I asked?</p> <p>9 (Reporter read back previous</p> <p>10 question.)</p> <p>11 BY MS. HENRY:</p> <p>12 Q. Ms. Wilbert?</p> <p>13 A. Yes. So we have custodian language</p> <p>14 in our servicing agreement, and then there are</p> <p>15 custodian agreements that tie to the trust, and</p> <p>16 they are housed in contract workflow.</p> <p>17 Q. And have you produced those</p> <p>18 custodial agreements as part of the Subpoena?</p> <p>19 A. I did not produce the custodial</p> <p>20 agreements.</p> <p>21 Q. And why not?</p> <p>22 MS. SCRIVANI: I'll answer</p> <p>23 that. They are not responsive to any of the</p> <p>24 document requests in the Subpoena.</p> <p>25 MS. HENRY: Okay.</p>	<p style="text-align: right;">Page 43</p> <p>1 BY MS. HENRY:</p> <p>2 Q. Did you look at them before today's</p> <p>3 deposition?</p> <p>4 A. I did look at them.</p> <p>5 Q. Okay. And why did you look at them?</p> <p>6 A. Because they tie back to the</p> <p>7 custodian language in the servicing agreement</p> <p>8 specific to the credit agreement and the</p> <p>9 disclosure statement that was produced.</p> <p>10 Q. And what information did you review</p> <p>11 that was important to tie them back for today's</p> <p>12 deposition?</p> <p>13 MR. ROTA: Objection.</p> <p>14 MS. SCRIVANI: Objection.</p> <p>15 Unless I instruct you not to answer, Jen, you</p> <p>16 can answer.</p> <p>17 THE WITNESS: I just read the</p> <p>18 custodian agreement to confirm that it tied to</p> <p>19 the 2007-3 securitization.</p> <p>20 BY MS. HENRY:</p> <p>21 Q. Does PHEAA create any documents</p> <p>22 relating to the loans that they collect for the</p> <p>23 2007-3 trust?</p> <p>24 MS. SCRIVANI: Objection.</p> <p>25 THE WITNESS: I'm not sure I</p>
<p style="text-align: right;">Page 44</p> <p>1 understand the question.</p> <p>2 BY MS. HENRY:</p> <p>3 Q. Does PHEAA create any documents</p> <p>4 relating to the loans collected for the 2007-3</p> <p>5 trust?</p> <p>6 MS. SCRIVANI: Objection.</p> <p>7 Same question.</p> <p>8 THE WITNESS: I still don't</p> <p>9 understand the question. What documents would</p> <p>10 you be referring to?</p> <p>11 I did indicate what we would send</p> <p>12 out while we're servicing the loan, but are you</p> <p>13 referring to other documents?</p> <p>14 BY MS. HENRY:</p> <p>15 Q. No. I'm just -- however you</p> <p>16 understand that question.</p> <p>17 MR. ROTA: Objection.</p> <p>18 THE WITNESS: So as previously</p> <p>19 indicated, we do send billing statements on a</p> <p>20 monthly basis to the borrower. We could</p> <p>21 potentially send interest notices to the</p> <p>22 borrower while they're on an in-school status.</p> <p>23 Again, we could send delinquency statements</p> <p>24 until the loan is outsourced. We could send</p> <p>25 privacy policies. We could send -- we had sent</p>	<p style="text-align: right;">Page 45</p> <p>1 the transfer letter. There are a number of</p> <p>2 documents that we could send on a borrower's</p> <p>3 loan.</p> <p>4 I could not tell you every single</p> <p>5 one of them off the top of my head.</p> <p>6 BY MS. HENRY:</p> <p>7 Q. Okay. What people have access to</p> <p>8 the loan document files?</p> <p>9 MS. SCRIVANI: Objection. Do</p> <p>10 you mean employees of PHEAA, outside of PHEAA?</p> <p>11 BY MS. HENRY:</p> <p>12 Q. Well, let's break it down.</p> <p>13 Referring to 2007-3 only, how many people at</p> <p>14 PHEAA have access to the 2007-3 loan document</p> <p>15 files?</p> <p>16 MS. SCRIVANI: Objection.</p> <p>17 THE WITNESS: I can't answer</p> <p>18 that. I don't know how many people have</p> <p>19 access.</p> <p>20 BY MS. HENRY:</p> <p>21 Q. Okay. And I'm going to ask you, why</p> <p>22 is that? Would there be more than the people</p> <p>23 on your team that have access to those files?</p> <p>24 A. Yes. The customer service</p> <p>25 representatives would have access to FileNet so</p>

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<p style="text-align: right;">Page 46</p> <p>1 that they could reference the borrower's loan</p> <p>2 file if the borrower would call in and have a</p> <p>3 question.</p> <p>4 So individuals in customer service</p> <p>5 that take phone calls and process, as well as</p> <p>6 other departments, I'm sure. I don't know</p> <p>7 exactly who in other departments, but I know</p> <p>8 for sure the customer service representatives</p> <p>9 and processors have access to the data.</p> <p>10 Q. Okay. And how do they access the</p> <p>11 files?</p> <p>12 A. The same way I stated at the</p> <p>13 beginning.</p> <p>14 Q. Okay. So they have to use a log-in;</p> <p>15 is that right?</p> <p>16 A. That's correct.</p> <p>17 Q. Okay. And do they all log in</p> <p>18 through the computer?</p> <p>19 MS. SCRIVANI: Objection. As</p> <p>20 opposed to what? Are they using --</p> <p>21 BY MS. HENRY:</p> <p>22 Q. Meaning they're only looking at</p> <p>23 electronic files, they're not looking at</p> <p>24 anything in paper form; is that correct?</p> <p>25 MR. ROTA: Objection.</p>	<p style="text-align: right;">Page 47</p> <p>1 THE WITNESS: The majority of</p> <p>2 them would just be looking at imaged files.</p> <p>3 Individuals in our records management</p> <p>4 department could have access to original</p> <p>5 documents, but for the majority of anything</p> <p>6 that anyone would be looking at, it would just</p> <p>7 be images in FileNet.</p> <p>8 BY MS. HENRY:</p> <p>9 Q. And does PHEAA give access to</p> <p>10 individuals outside of PHEAA -- does PHEAA give</p> <p>11 access to individuals outside of PHEAA to these</p> <p>12 loan files for 2007-3?</p> <p>13 MS. SCRIVANI: Objection. You</p> <p>14 can answer.</p> <p>15 MR. ROTA: Objection.</p> <p>16 THE WITNESS: Not to our</p> <p>17 system. Not to our FileNet system. So we may</p> <p>18 produce the documents and provide them to the</p> <p>19 client or TSI, for example, but they don't have</p> <p>20 access to our FileNet system or viewing imaged</p> <p>21 documents.</p> <p>22 BY MS. HENRY:</p> <p>23 Q. Okay. So maybe we can go over that</p> <p>24 a bit more. So you stated before that when a</p> <p>25 loan goes into default, at some point, PHEAA is</p>
<p style="text-align: right;">Page 48</p> <p>1 no longer servicing that loan; is that correct?</p> <p>2 A. That's correct.</p> <p>3 Q. And maybe you can go over, at what</p> <p>4 point does PHEAA stop servicing the loan?</p> <p>5 A. So once the loan goes down to a zero</p> <p>6 balance, if it defaults, it would then transfer</p> <p>7 to TSI for special servicing activity, default</p> <p>8 servicing activity.</p> <p>9 And at that point, once the loan is</p> <p>10 zeroed out on our servicing system, we would no</p> <p>11 longer service the loan.</p> <p>12 Q. Okay. And I'm just going to try to</p> <p>13 understand that. So if the person defaults,</p> <p>14 how does it go from a default to a zero</p> <p>15 balance? I don't understand what zero balance</p> <p>16 means. Can you explain that?</p> <p>17 A. Yes. So when a loan defaults, we</p> <p>18 post a financial transaction on their account</p> <p>19 that brings the loan balance down to zero, and</p> <p>20 then that data transfers to the default</p> <p>21 collections entity.</p> <p>22 Q. And how does that data transfer?</p> <p>23 A. They receive a file for PageCenter.</p> <p>24 Q. Okay. And you said for the 2007-3</p> <p>25 loans, those defaulted loans are transferred to</p>	<p style="text-align: right;">Page 49</p> <p>1 Transworld Systems, Inc.; correct?</p> <p>2 A. At this time, yes, that's correct.</p> <p>3 Q. And previously it was another</p> <p>4 entity. Who was that?</p> <p>5 A. Yes. Previously, those loans were</p> <p>6 transferred to First Marblehead Data Services.</p> <p>7 Q. And can you tell me, when did that</p> <p>8 happen?</p> <p>9 A. In 2012, First Marblehead resigned</p> <p>10 as the special servicer, and U.S. Bank took on</p> <p>11 the special servicing activities. They</p> <p>12 designated TSI to do that default collection</p> <p>13 activity.</p> <p>14 So we began transferring those</p> <p>15 defaulted loans to -- it was NCO, now TSI. The</p> <p>16 name did change.</p> <p>17 Q. So you said that TSI does not have</p> <p>18 access to FileNet. So how do they, again, get</p> <p>19 the actual copies of the loan documents?</p> <p>20 MR. ROTA: Objection.</p> <p>21 THE WITNESS: We transfer the</p> <p>22 credit agreement and disclosure statement to</p> <p>23 them.</p> <p>24 BY MS. HENRY:</p> <p>25 Q. What about the terms and conditions,</p>

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<p style="text-align: right;">Page 50</p> <p>1 Ms. Wilbert?</p> <p>2 A. Yes. I believe it is the credit</p> <p>3 agreement and the disclosure that's provided to</p> <p>4 them when the loan defaults. I don't believe</p> <p>5 we pull the terms and conditions every time we</p> <p>6 transfer the credit agreement to them.</p> <p>7 Q. Are the --</p> <p>8 A. If the terms and conditions are</p> <p>9 passed to us at conversion and they are in</p> <p>10 FileNet, they would, obviously, be included. I</p> <p>11 don't believe there's any pulling of those</p> <p>12 terms and conditions outside of that. The</p> <p>13 terms and conditions were not passed to us at</p> <p>14 conversion for some of the loans.</p> <p>15 Q. Okay. Are the terms and conditions</p> <p>16 kept with the credit agreements?</p> <p>17 A. They are not kept with the credit</p> <p>18 agreements. We do have files that have terms</p> <p>19 and conditions for every single prom note --</p> <p>20 excuse me, program year and original lender.</p> <p>21 Q. Okay. Do you transfer information</p> <p>22 about disbursement to Transworld System, Inc.?</p> <p>23 MS. SCRIVANI: Objection.</p> <p>24 THE WITNESS: What,</p> <p>25 specifically, are you referring to when you say</p>	<p style="text-align: right;">Page 51</p> <p>1 "about disbursement"?</p> <p>2 BY MS. HENRY:</p> <p>3 Q. Do you have information about the --</p> <p>4 whether the loan was actually disbursed?</p> <p>5 A. We do have information that is</p> <p>6 passed at origination. However, we provide the</p> <p>7 credit agreement and disclosure statement when</p> <p>8 the loan defaults, as required.</p> <p>9 There is -- they could -- if they</p> <p>10 needed additional information at some point,</p> <p>11 they could come back and ask for that. But the</p> <p>12 credit agreement and disclosure is required as</p> <p>13 being had when the loan defaults.</p> <p>14 Q. Do you have any information for the</p> <p>15 mailing of that disclosure statement to the</p> <p>16 borrower and the co-borrower?</p> <p>17 MS. SCRIVANI: Objection.</p> <p>18 THE WITNESS: No, I do not.</p> <p>19 BY MS. HENRY:</p> <p>20 Q. Is any of that information regarding</p> <p>21 mailing kept in any of the systems for the</p> <p>22 2007-3 trust?</p> <p>23 MS. SCRIVANI: Objection.</p> <p>24 THE WITNESS: Not that I have</p> <p>25 seen.</p>
<p style="text-align: right;">Page 52</p> <p>1 BY MS. HENRY:</p> <p>2 Q. What about copies of canceled</p> <p>3 checks, are those kept for the 2007-3 trust?</p> <p>4 MS. SCRIVANI: Objection.</p> <p>5 THE WITNESS: Copies of</p> <p>6 canceled checks from who?</p> <p>7 BY MS. HENRY:</p> <p>8 Q. From the borrowers at disbursement.</p> <p>9 A. I'm not sure why we would be getting</p> <p>10 a copy of the canceled check.</p> <p>11 Q. Okay.</p> <p>12 A. I don't understand the question.</p> <p>13 Q. Do you have any copies of checks</p> <p>14 that were disbursed to borrowers or copies of</p> <p>15 checks that were actually cashed by borrowers</p> <p>16 for proof of disbursement of the loan funds?</p> <p>17 MS. SCRIVANI: Objection. You</p> <p>18 can answer.</p> <p>19 THE WITNESS: So we're getting</p> <p>20 the loan when it's disbursed, so it's highly</p> <p>21 unlikely that we would have a copy of the check</p> <p>22 that was cashed by the borrower because that</p> <p>23 would not be included in the origination files.</p> <p>24 There could be an instance where</p> <p>25 their origination documents may have contained</p>	<p style="text-align: right;">Page 53</p> <p>1 a copy of a check, but to my knowledge, that</p> <p>2 was not a requirement that they include that</p> <p>3 information.</p> <p>4 Specific to this specific borrower,</p> <p>5 I did not see a copy of a check in their loan</p> <p>6 file that we received at origination.</p> <p>7 BY MS. HENRY:</p> <p>8 Q. Okay. For the other 2007-3 trusts,</p> <p>9 have you ever seen a copy of the check in the</p> <p>10 loan files?</p> <p>11 MS. SCRIVANI: Objection.</p> <p>12 THE WITNESS: I don't recall</p> <p>13 seeing a copy of a check. Again, it's possible</p> <p>14 there may have been one, but I don't,</p> <p>15 specifically, recall.</p> <p>16 I'm sorry. There's a lot of</p> <p>17 pounding going on outside my office. Would I</p> <p>18 be able to step out for a minute and ask them</p> <p>19 to stop?</p> <p>20 MS. SCRIVANI: Is it a good</p> <p>21 time for a break? We've been going about an</p> <p>22 hour.</p> <p>23 MS. HENRY: Yeah, we can take</p> <p>24 a five-minute break.</p> <p>25 (Short recess taken.)</p>

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<p style="text-align: right;">Page 54</p> <p>1 BY MS. HENRY:</p> <p>2 Q. Ms. Wilbert, you said that PHEAA</p> <p>3 receives documents from others and are required</p> <p>4 to receive some documents.</p> <p>5 Can you tell me, what documents are</p> <p>6 you required to have for the 2007-3 trust?</p> <p>7 MS. SCRIVANI: Objection. You</p> <p>8 can answer.</p> <p>9 THE WITNESS: The credit</p> <p>10 agreement and disclosure statement are two</p> <p>11 documents that we need to maintain. So we need</p> <p>12 to have those included in the origination</p> <p>13 files.</p> <p>14 BY MS. HENRY:</p> <p>15 Q. Are there any other documents that</p> <p>16 you're required to maintain?</p> <p>17 A. No.</p> <p>18 Q. Is there any other information you</p> <p>19 are required to maintain?</p> <p>20 MS. SCRIVANI: Objection.</p> <p>21 THE WITNESS: We maintain the</p> <p>22 borrower's loan records, but we, if it is past</p> <p>23 the origination, we would maintain the</p> <p>24 documents that are passed to us, but we need to</p> <p>25 have the credit agreement and disclosure.</p>	<p style="text-align: right;">Page 55</p> <p>1 BY MS. HENRY:</p> <p>2 Q. Okay. So can you tell me -- can you</p> <p>3 tell me what you know about the origination</p> <p>4 process for these 2007-3 loans?</p> <p>5 MS. SCRIVANI: Objection.</p> <p>6 This is well beyond the scope of the topics.</p> <p>7 I'm going to instruct her not to answer.</p> <p>8 BY MS. HENRY:</p> <p>9 Q. Ms. Wilbert, can you tell me about</p> <p>10 the origination of the 2007-3 loans?</p> <p>11 MS. SCRIVANI: My objection</p> <p>12 and instruction stands.</p> <p>13 MS. HENRY: So you're</p> <p>14 instructing her not to answer?</p> <p>15 MS. SCRIVANI: I have done it</p> <p>16 twice, yeah.</p> <p>17 BY MS. HENRY:</p> <p>18 Q. So Ms. Wilbert, do you know who</p> <p>19 originated these loans?</p> <p>20 MS. SCRIVANI: You can answer</p> <p>21 that.</p> <p>22 THE WITNESS: The loans were</p> <p>23 originated by FMER on behalf of TERI, The</p> <p>24 Education Resources Institute.</p> <p>25 BY MS. HENRY:</p>
<p style="text-align: right;">Page 56</p> <p>1 Q. And can you tell me, what is FMER?</p> <p>2 A. First Marblehead Education</p> <p>3 Resources.</p> <p>4 Q. And what is TERI?</p> <p>5 A. TERI was the guarantor on the loans</p> <p>6 until they filed for bankruptcy in 2008.</p> <p>7 Q. Okay. And do you know, do those two</p> <p>8 entities exist any longer?</p> <p>9 A. In their current form, I don't -- I</p> <p>10 don't know.</p> <p>11 Q. Okay. Do those two entities have</p> <p>12 anything to do with the 2007-3 trust loans</p> <p>13 today?</p> <p>14 MR. ROTA: Objection.</p> <p>15 THE WITNESS: Not that I'm</p> <p>16 aware of. Not from our perspective as a</p> <p>17 servicer.</p> <p>18 BY MS. HENRY:</p> <p>19 Q. Do you know when TERI stopped having</p> <p>20 any obligations to do with these loans?</p> <p>21 MR. ROTA: Objection.</p> <p>22 THE WITNESS: They filed</p> <p>23 bankruptcy in 2008, so there was some carryover</p> <p>24 as far as claim payments that they were</p> <p>25 remitting after the bankruptcy went through,</p>	<p style="text-align: right;">Page 57</p> <p>1 but I don't know what was occurring on the back</p> <p>2 end outside of the -- as far as our</p> <p>3 involvement, that activity transferred from the</p> <p>4 2007-3 from TERI to FMDS at the time and then</p> <p>5 the special servicers.</p> <p>6 BY MS. HENRY:</p> <p>7 Q. Who is FMDS?</p> <p>8 A. First Marblehead Data Services.</p> <p>9 Q. And what was their role with the</p> <p>10 trust?</p> <p>11 A. They were the administrator.</p> <p>12 Q. And did they give direction to</p> <p>13 PHEAA?</p> <p>14 MR. ROTA: Objection.</p> <p>15 MS. SCRIVANI: I'm going to</p> <p>16 object. This is, again, going well beyond the</p> <p>17 scope of the very limited issue that</p> <p>18 Ms. Wilbert is here to testify about today.</p> <p>19 Can we please get to the topics that</p> <p>20 are in the Subpoena? We have gone an hour and</p> <p>21 20 minutes and you haven't asked a single</p> <p>22 question that's related to those topics.</p> <p>23 BY MS. HENRY:</p> <p>24 Q. Ms. Wilbert, can you answer my</p> <p>25 question?</p>

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<p style="text-align: right;">Page 58</p> <p>1 MS. SCRIVANI: I'm instructing</p> <p>2 you not to answer. Let's move on.</p> <p>3 MS. HENRY: You're instructing</p> <p>4 her not to answer the question that she raised</p> <p>5 as to FMDS and who they are and what they do?</p> <p>6 MS. SCRIVANI: She didn't</p> <p>7 raise the issue. You have been going down</p> <p>8 rabbit holes.</p> <p>9 MS. HENRY: She has -- she has</p> <p>10 raised the issue as to FMDS and I've asked her</p> <p>11 who are they and what do they do.</p> <p>12 MS. SCRIVANI: And she</p> <p>13 answered that question. So I'm instructing her</p> <p>14 not to answer your outstanding question. Move</p> <p>15 on.</p> <p>16 BY MS. HENRY:</p> <p>17 Q. So these entities that no longer</p> <p>18 have anything to do with the trust, did they</p> <p>19 have origination documents for the 2007-3</p> <p>20 trust?</p> <p>21 MR. ROTA: Objection.</p> <p>22 MS. SCRIVANI: You can answer.</p> <p>23 THE WITNESS: Not that I'm</p> <p>24 aware of.</p> <p>25 BY MS. HENRY:</p>	<p style="text-align: right;">Page 59</p> <p>1 Q. Not that you're aware of?</p> <p>2 A. I don't know -- I would not know if</p> <p>3 they had origination documents at this point in</p> <p>4 time.</p> <p>5 Q. I'm asking you, did they have</p> <p>6 origination documents at some point in time?</p> <p>7 MR. ROTA: Objection.</p> <p>8 MS. SCRIVANI: Objection. You</p> <p>9 can answer if you know what other people had.</p> <p>10 THE WITNESS: FMER, on behalf</p> <p>11 of TERI, would have transferred the origination</p> <p>12 documents to us, so they would have had the</p> <p>13 documents before they transferred them to us.</p> <p>14 What they did with them after, I</p> <p>15 don't know.</p> <p>16 BY MS. HENRY:</p> <p>17 Q. Okay. So my question is, does PHEAA</p> <p>18 have all available origination documents for</p> <p>19 the 2007-3 trust?</p> <p>20 MS. SCRIVANI: Objection.</p> <p>21 THE WITNESS: We have the</p> <p>22 documents in which were provided to us at</p> <p>23 origination.</p> <p>24 BY MS. HENRY:</p> <p>25 Q. Okay. And who provided them to you?</p>
<p style="text-align: right;">Page 60</p> <p>1 A. I thought I already answered that,</p> <p>2 but FMER on behalf of TERI.</p> <p>3 Q. Okay. And would there be, to the</p> <p>4 best of your knowledge, would there be any</p> <p>5 reason that there are any documents that you</p> <p>6 would not have from FMER?</p> <p>7 MS. SCRIVANI: Objection.</p> <p>8 THE WITNESS: Any documents</p> <p>9 that -- I don't -- you're not asking</p> <p>10 specifically. To my knowledge, no. But I</p> <p>11 don't know what documents, specifically, you're</p> <p>12 asking about.</p> <p>13 BY MS. HENRY:</p> <p>14 Q. Okay. You testified earlier that</p> <p>15 you do not have the check for Ms. Gosse's loan;</p> <p>16 correct?</p> <p>17 MR. ROTA: Objection.</p> <p>18 THE WITNESS: I testified that</p> <p>19 I did not see it in the origination file, that</p> <p>20 is correct.</p> <p>21 MS. SCRIVANI: Objection.</p> <p>22 BY MS. HENRY:</p> <p>23 Q. Okay. Would any other entity have</p> <p>24 that check?</p> <p>25 MS. SCRIVANI: Objection.</p>	<p style="text-align: right;">Page 61</p> <p>1 MR. ROTA: Objection.</p> <p>2 THE WITNESS: I do not know.</p> <p>3 BY MS. HENRY:</p> <p>4 Q. PHEAA has all the origination files</p> <p>5 at this point; correct?</p> <p>6 MR. ROTA: Objection.</p> <p>7 MS. SCRIVANI: Objection.</p> <p>8 THE WITNESS: We have the</p> <p>9 files that were passed to us at conversion.</p> <p>10 BY MS. HENRY:</p> <p>11 Q. Okay. And does that mean that you</p> <p>12 do not have all the origination files? Were</p> <p>13 all the origination files passed to you at</p> <p>14 conversion?</p> <p>15 MS. SCRIVANI: Objection,</p> <p>16 asked and answered. You can answer.</p> <p>17 THE WITNESS: I am aware that</p> <p>18 we have the documents that we were passed at</p> <p>19 conversion.</p> <p>20 BY MS. HENRY:</p> <p>21 Q. Okay. For any documents that were</p> <p>22 passed to you at conversion, what does PHEAA do</p> <p>23 to confirm the veracity and accuracy and</p> <p>24 authenticity of any of those documents that are</p> <p>25 provided?</p>

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<p style="text-align: right;">Page 62</p> <p>1 MR. ROTA: Objection.</p> <p>2 MS. SCRIVANI: Objection.</p> <p>3 Calls for a legal conclusion.</p> <p>4 If you understand the question and</p> <p>5 can answer it, go ahead.</p> <p>6 THE WITNESS: I cannot answer</p> <p>7 that.</p> <p>8 BY MS. HENRY:</p> <p>9 Q. Let me simplify it for you. When</p> <p>10 PHEAA receives these documents at conversion,</p> <p>11 after disbursement, from those that originated</p> <p>12 the loans, what do they do to verify the</p> <p>13 accuracy?</p> <p>14 MS. SCRIVANI: Objection. If</p> <p>15 you understand, you can answer.</p> <p>16 THE WITNESS: We are</p> <p>17 maintaining the documents that are passed to</p> <p>18 us. We have no obligation to verify the</p> <p>19 accuracy of what is passed to us.</p> <p>20 BY MS. HENRY:</p> <p>21 Q. Okay. And how were the credit</p> <p>22 agreements and the disclosure statements passed</p> <p>23 to PHEAA?</p> <p>24 MR. ROTA: Objection.</p> <p>25 THE WITNESS: Again, if they</p>	<p style="text-align: right;">Page 63</p> <p>1 were original documents, they would have been</p> <p>2 sent directly to us as originals.</p> <p>3 If they were electronic, because</p> <p>4 they were deemed an original versus by an</p> <p>5 electronic signature, there was a file transfer</p> <p>6 process that was established between PHEAA and</p> <p>7 FMER to receive those documents and load them</p> <p>8 into our repository.</p> <p>9 BY MS. HENRY:</p> <p>10 Q. And do you have any documentation or</p> <p>11 policies and procedures about that file</p> <p>12 transfer process?</p> <p>13 MS. SCRIVANI: Objection.</p> <p>14 THE WITNESS: I do not at this</p> <p>15 point in time.</p> <p>16 BY MS. HENRY:</p> <p>17 Q. It's my understanding that a number</p> <p>18 of those documents were sent by paper. Do you</p> <p>19 have a way of knowing whether Ms. Gosse's loan</p> <p>20 was sent to you in paper form or</p> <p>21 electronically?</p> <p>22 MR. ROTA: Objection.</p> <p>23 THE WITNESS: If you want to</p> <p>24 pull up the actual credit agreement that we</p> <p>25 provided, I can see if it's an electronic</p>
<p style="text-align: right;">Page 64</p> <p>1 signature, but I did not validate that</p> <p>2 information previously.</p> <p>3 MS. HENRY: Let's make this</p> <p>4 Exhibit 2.</p> <p>5 (Deposition Exhibit No. 2 was</p> <p>6 marked for identification.)</p> <p>7 BY MS. HENRY:</p> <p>8 Q. Exhibit 2 is in the chat. Make sure</p> <p>9 everybody can get that. And I'm going to put</p> <p>10 that on the screen. I'm going to ask that the</p> <p>11 court reporter designate that as Exhibit 2.</p> <p>12 Ms. Wilbert, I'm going to have you</p> <p>13 look at a document here. It's 104 pages. It</p> <p>14 says Exhibit C at the top. It has filing</p> <p>15 information at the top of the document. It</p> <p>16 says Document 112-3 filed on 9/28/2022, and</p> <p>17 this case number here is the Gosse case for</p> <p>18 this lawsuit.</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. If you take a look at this</p> <p>22 briefly. Can you thumb through this and tell</p> <p>23 me what this document is?</p> <p>24 A. It's a servicing agreement.</p> <p>25 Q. Let me start from the first page,</p>	<p style="text-align: right;">Page 65</p> <p>1 the entire document.</p> <p>2 A. That appears to be the declaration</p> <p>3 that I signed in September, but I would have to</p> <p>4 see the date on it to be certain that that's</p> <p>5 the one I signed.</p> <p>6 Q. I think I have put you down to Page</p> <p>7 6 now of that document.</p> <p>8 A. That's correct.</p> <p>9 Q. Okay. And is this the declaration</p> <p>10 that you filed in this lawsuit?</p> <p>11 A. Yes.</p> <p>12 MR. ROTA: Objection.</p> <p>13 BY MS. HENRY:</p> <p>14 Q. All right. I'm going to go down to</p> <p>15 what I believe is attached here as Ms. Gosse's</p> <p>16 loan. Okay. Do you see that in front of you?</p> <p>17 A. I do.</p> <p>18 Q. Okay. Now, I'm going to go back to</p> <p>19 our question here. Looking at this loan, can</p> <p>20 you tell whether this loan was transferred to</p> <p>21 you, to PHEAA, electronically or in paper form?</p> <p>22 MR. ROTA: Objection.</p> <p>23 THE WITNESS: Can you scroll</p> <p>24 further down to the bottom? Keep going,</p> <p>25 please.</p>

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<p style="text-align: right;">Page 66</p> <p>1 BY MS. HENRY:</p> <p>2 Q. It looks like that's all I can go.</p> <p>3 A. Okay. Back up.</p> <p>4 Yes. And that looks like it's an</p> <p>5 original signature, which would have been sent</p> <p>6 to us -- should have been sent to us in</p> <p>7 original form.</p> <p>8 Again, I don't have access to the</p> <p>9 original document, so I did not validate that</p> <p>10 we have that original document. But that</p> <p>11 should have been provided as an original.</p> <p>12 Q. Can you tell me what you're looking</p> <p>13 at that tells you it's an original signature?</p> <p>14 MR. ROTA: Objection.</p> <p>15 THE WITNESS: Again, I said it</p> <p>16 looks to me like it should be and it looks like</p> <p>17 an actual signature versus an electronic</p> <p>18 signature.</p> <p>19 BY MS. HENRY:</p> <p>20 Q. Oh, I see what you mean. Okay.</p> <p>21 So let me ask it again. Do you know</p> <p>22 if this is a wet signature document that would</p> <p>23 have been mailed in after the -- what's that?</p> <p>24 A. I do not know.</p> <p>25 Q. Okay. Do you know if this is a wet</p>	<p style="text-align: right;">Page 67</p> <p>1 signature document that you might have in the</p> <p>2 vault?</p> <p>3 MS. SCRIVANI: Objection.</p> <p>4 THE WITNESS: I would not know</p> <p>5 that.</p> <p>6 BY MS. HENRY:</p> <p>7 Q. Do you have any way of knowing if a</p> <p>8 document is a wet signature or if it's a faxed</p> <p>9 in document?</p> <p>10 MS. SCRIVANI: Objection.</p> <p>11 THE WITNESS: There are</p> <p>12 individuals that work in our records management</p> <p>13 department that receive these documents and</p> <p>14 validate them and have special notations to</p> <p>15 indicate in their repositories if an original</p> <p>16 was received and is housed in the warehouse</p> <p>17 versus a copy coming in through FileNet.</p> <p>18 BY MS. HENRY:</p> <p>19 Q. So do you know if there is an</p> <p>20 original for this loan?</p> <p>21 MS. SCRIVANI: Objection,</p> <p>22 asked and answered.</p> <p>23 THE WITNESS: I do not know if</p> <p>24 there is an original.</p> <p>25 MR. ROTA: Excuse me. We keep</p>
<p style="text-align: right;">Page 68</p> <p>1 using the term "original" in multiple different</p> <p>2 ways. Is there another way to make this more</p> <p>3 clear about what everyone is talking about?</p> <p>4 Does original mean wet signature?</p> <p>5 MS. HENRY: Let's make it</p> <p>6 clear.</p> <p>7 BY MS. HENRY:</p> <p>8 Q. Do you know if there is a wet</p> <p>9 signature for this document?</p> <p>10 A. I do not know.</p> <p>11 Q. Okay. And you said that there is a</p> <p>12 records team that validates such records; is</p> <p>13 that right?</p> <p>14 MR. ROTA: Objection.</p> <p>15 THE WITNESS: Correct.</p> <p>16 BY MS. HENRY:</p> <p>17 Q. And what do you mean by validate</p> <p>18 them; how would you validate them?</p> <p>19 A. They would confirm that the files,</p> <p>20 the number of files that we were expected to</p> <p>21 receive in the transfer process was, in fact,</p> <p>22 loaded into the imaging system, and they would</p> <p>23 then, if there were originals received, their</p> <p>24 department would be the one that would index</p> <p>25 those documents and store them in our</p>	<p style="text-align: right;">Page 69</p> <p>1 warehouse.</p> <p>2 Q. All right. So in your files, is</p> <p>3 this information that's unredacted; is that</p> <p>4 right?</p> <p>5 A. Correct.</p> <p>6 Q. And let's look at the second</p> <p>7 document. Is there any way of knowing here</p> <p>8 whether this document came in in paper form or</p> <p>9 electronic form to PHEAA?</p> <p>10 MR. ROTA: Objection.</p> <p>11 THE WITNESS: No.</p> <p>12 BY MS. HENRY:</p> <p>13 Q. I'm going to stop sharing for now,</p> <p>14 but I'm going to probably come back to that.</p> <p>15 Do you have any specific procedures</p> <p>16 for the 2007-3 trust?</p> <p>17 MS. SCRIVANI: Objection,</p> <p>18 beyond the scope. If you have questions</p> <p>19 related to tracking or ownership, she is</p> <p>20 prepared to testify about that.</p> <p>21 BY MS. HENRY:</p> <p>22 Q. Ms. Wilbert?</p> <p>23 MS. SCRIVANI: I'm instructing</p> <p>24 her not to answer the question.</p> <p>25 MS. HENRY: Okay.</p>

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<p style="text-align: right;">Page 70</p> <p>1 BY MS. HENRY:</p> <p>2 Q. So I'm going to ask you a few things</p> <p>3 about your declaration. So I'm going to</p> <p>4 actually put that back on the screen. So in</p> <p>5 Paragraph No. 2, can I have you read that?</p> <p>6 A. "I am the director of client</p> <p>7 relations of Pennsylvania Higher Education</p> <p>8 Assistance Agency, PHEAA. The contents of this</p> <p>9 declaration are based on my personal knowledge</p> <p>10 and through my discussions with other PHEAA</p> <p>11 employees. My responsibilities at PHEAA</p> <p>12 include knowledge of PHEAA's maintenance and</p> <p>13 storage of data, record-keeping, document</p> <p>14 retention and destruction policies."</p> <p>15 Q. Okay. So my question to you is, we</p> <p>16 talked earlier and you didn't mention that</p> <p>17 there were any other discussions with any other</p> <p>18 employees.</p> <p>19 So to do this declaration, did you</p> <p>20 have discussions with other employees at PHEAA?</p> <p>21 MS. SCRIVANI: Objection. You</p> <p>22 can answer.</p> <p>23 MR. ROTA: Objection.</p> <p>24 BY MS. HENRY:</p> <p>25 Q. Ms. Wilbert?</p>	<p style="text-align: right;">Page 71</p> <p>1 A. Not specific to the declaration.</p> <p>2 The conversations have been over my career at</p> <p>3 PHEAA.</p> <p>4 Q. Oh. Okay. Were there any specific</p> <p>5 employees that you were referring to in</p> <p>6 Paragraph 2?</p> <p>7 MS. SCRIVANI: Objection.</p> <p>8 THE WITNESS: No.</p> <p>9 BY MS. HENRY:</p> <p>10 Q. Okay. And it says your</p> <p>11 responsibilities included the maintenance and</p> <p>12 storage of data, record-keeping, document</p> <p>13 retention, destruction policies; correct?</p> <p>14 A. Correct.</p> <p>15 Q. Currently, does PHEAA have document</p> <p>16 retention and destruction policies?</p> <p>17 A. We do.</p> <p>18 Q. And what is your experience with</p> <p>19 working with this document retention and</p> <p>20 destruction policy?</p> <p>21 A. Can you clarify your question?</p> <p>22 Q. What is your experience in working</p> <p>23 with the destruction and retention policies?</p> <p>24 MS. SCRIVANI: Same objection</p> <p>25 to the same question.</p>
<p style="text-align: right;">Page 72</p> <p>1 THE WITNESS: I'm not clear</p> <p>2 what you're asking as far as my experience.</p> <p>3 BY MS. HENRY:</p> <p>4 Q. Okay. Let me go back. It says here</p> <p>5 that your responsibilities include</p> <p>6 record-keeping and document retention and</p> <p>7 destruction policies; correct?</p> <p>8 A. It actually says --</p> <p>9 MR. ROTA: Objection.</p> <p>10 THE WITNESS: -- my</p> <p>11 responsibilities include knowledge of, not --</p> <p>12 my direct responsibilities do not include</p> <p>13 record retention. I have knowledge of record</p> <p>14 retention.</p> <p>15 BY MS. HENRY:</p> <p>16 Q. Okay. Understood.</p> <p>17 So what do you mean when you say</p> <p>18 your responsibilities include that kind of</p> <p>19 knowledge?</p> <p>20 MS. SCRIVANI: Objection.</p> <p>21 THE WITNESS: I have knowledge</p> <p>22 of how we are retaining these documents that</p> <p>23 we're speaking of.</p> <p>24 BY MS. HENRY:</p> <p>25 Q. Okay. And the destruction?</p>	<p style="text-align: right;">Page 73</p> <p>1 MR. ROTA: Objection.</p> <p>2 BY MS. HENRY:</p> <p>3 Q. What's your knowledge of the</p> <p>4 destruction policies?</p> <p>5 A. We have a retention and destruction</p> <p>6 policy. However, for the trust, we are not</p> <p>7 currently destroying any data for the trust.</p> <p>8 Q. Is there any data that's original to</p> <p>9 destroy?</p> <p>10 MR. ROTA: Objection.</p> <p>11 MS. SCRIVANI: I'm sorry, what</p> <p>12 was the question?</p> <p>13 BY MS. HENRY:</p> <p>14 Q. Is there any original data to</p> <p>15 destroy of the trust?</p> <p>16 MR. ROTA: Objection.</p> <p>17 MS. SCRIVANI: Objection.</p> <p>18 THE WITNESS: We do have</p> <p>19 original data that is pertaining to the trust,</p> <p>20 yes, that would go beyond our retention period.</p> <p>21 BY MS. HENRY:</p> <p>22 Q. Okay. But you just said that you</p> <p>23 were no longer destroying anything for the</p> <p>24 trust.</p> <p>25 MS. SCRIVANI: Objection.</p>

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<p style="text-align: right;">Page 74</p> <p>1 BY MS. HENRY:</p> <p>2 Q. My question is why?</p> <p>3 MS. SCRIVANI:</p> <p>4 Mischaracterizes testimony. You can answer if</p> <p>5 you understand the question.</p> <p>6 THE WITNESS: Sorry, Stacey, I</p> <p>7 didn't hear what you said.</p> <p>8 MS. SCRIVANI: I was objecting</p> <p>9 to her question, that it mischaracterizes your</p> <p>10 testimony because she was making the impression</p> <p>11 that, at some point, PHEAA changed their</p> <p>12 position on whether or not to destroy original</p> <p>13 data related to --</p> <p>14 MS. HENRY: I'm sorry, it's</p> <p>15 really not appropriate to be having --</p> <p>16 explaining that to the witness. I'm going to</p> <p>17 ask you to stop. I'm going to try to ask the</p> <p>18 question again.</p> <p>19 BY MS. HENRY:</p> <p>20 Q. I'm looking back, and you said that</p> <p>21 you have retention and destruction policy.</p> <p>22 However, for the trust, we are not currently</p> <p>23 destroying any data for the trust; is that</p> <p>24 correct?</p> <p>25 A. That's correct.</p>	<p style="text-align: right;">Page 75</p> <p>1 Q. Okay. Why is that?</p> <p>2 A. I don't know if I can answer that</p> <p>3 specifically, but we were instructed that,</p> <p>4 specific to the trust, we are not permitted to</p> <p>5 destroy data at this time.</p> <p>6 Q. And who gave you that instruction?</p> <p>7 A. PHEAA attorneys.</p> <p>8 Q. And do you know why?</p> <p>9 MS. SCRIVANI: Objection.</p> <p>10 Invokes the attorney-client privilege. I'll</p> <p>11 instruct her not to answer.</p> <p>12 MS. HENRY: Okay.</p> <p>13 BY MS. HENRY:</p> <p>14 Q. And so outside of yourself, who are</p> <p>15 people who have knowledge of the destruction</p> <p>16 and retention policies of the trust?</p> <p>17 MS. SCRIVANI: Objection, it's</p> <p>18 beyond the scope. Instruct you not to answer.</p> <p>19 BY MS. HENRY:</p> <p>20 Q. Ms. Wilbert?</p> <p>21 MS. SCRIVANI: I instructed</p> <p>22 her not to answer.</p> <p>23 BY MS. HENRY:</p> <p>24 Q. All right. Does anyone at TSI have</p> <p>25 knowledge of PHEAA's document retention and</p>
<p style="text-align: right;">Page 76</p> <p>1 destruction policies?</p> <p>2 MR. ROTA: Objection.</p> <p>3 MR. SHARTLE: Objection.</p> <p>4 MS. SCRIVANI: Objection.</p> <p>5 THE WITNESS: To my knowledge,</p> <p>6 they have never requested our document</p> <p>7 retention and destruction policy.</p> <p>8 BY MS. HENRY:</p> <p>9 Q. Does anyone at TSI have knowledge of</p> <p>10 your record-keeping at --</p> <p>11 MR. SHARTLE: Objection.</p> <p>12 MS. SCRIVANI: Objection.</p> <p>13 BY MS. HENRY:</p> <p>14 Q. Record-keeping policies at PHEAA?</p> <p>15 MR. SHARTLE: Same objection.</p> <p>16 THE WITNESS: Again, I don't</p> <p>17 know what knowledge TSI has. I'm not -- I</p> <p>18 don't ever recall providing them specific</p> <p>19 procedures or policies.</p> <p>20 BY MS. HENRY:</p> <p>21 Q. Okay. Do you know if TSI has any</p> <p>22 knowledge of PHEAA's maintenance and storage of</p> <p>23 data for the 2007-3 trust?</p> <p>24 MR. SHARTLE: Objection.</p> <p>25 MS. SCRIVANI: Objection.</p>	<p style="text-align: right;">Page 77</p> <p>1 THE WITNESS: Same answer.</p> <p>2 Again, I have never been asked, specifically,</p> <p>3 by TSI. But I don't know what knowledge they</p> <p>4 have.</p> <p>5 BY MS. HENRY:</p> <p>6 Q. Well, let me clarify that for</p> <p>7 today's deposition, you are speaking on behalf</p> <p>8 of PHEAA, not just yourself; is that correct?</p> <p>9 A. That's correct.</p> <p>10 MS. SCRIVANI: Objection.</p> <p>11 BY MS. HENRY:</p> <p>12 Q. Would your answers be different on</p> <p>13 behalf of PHEAA as opposed to just yourself?</p> <p>14 MS. SCRIVANI: She is not here</p> <p>15 to testify on behalf of PHEAA with respect to</p> <p>16 those questions because they are outside the</p> <p>17 scope of the deposition.</p> <p>18 MS. HENRY: I respectfully</p> <p>19 disagree. So I'm going to continue to ask my</p> <p>20 question.</p> <p>21 MS. SCRIVANI: You can answer</p> <p>22 if you know.</p> <p>23 THE WITNESS: No, I don't</p> <p>24 believe -- no, they would not be different.</p> <p>25 BY MS. HENRY:</p>

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<p style="text-align: right;">Page 78</p> <p>1 Q. Okay. Have you asked anyone, in</p> <p>2 preparation for today's testimony, about any</p> <p>3 training given to employees at TSI regarding</p> <p>4 the trust documents?</p> <p>5 A. No.</p> <p>6 Q. Isn't it true that employees of TSI</p> <p>7 have real-time access to AES's systems?</p> <p>8 MS. SCRIVANI: Objection. You</p> <p>9 can answer.</p> <p>10 THE WITNESS: That's correct.</p> <p>11 BY MS. HENRY:</p> <p>12 Q. And they have access to the COMPASS</p> <p>13 system; correct?</p> <p>14 MS. SCRIVANI: Objection.</p> <p>15 THE WITNESS: They have</p> <p>16 read-only access to COMPASS.</p> <p>17 BY MS. HENRY:</p> <p>18 Q. They have read-only access. And do</p> <p>19 they have access to any other systems at AES or</p> <p>20 PHEAA?</p> <p>21 A. Yes. They have access to</p> <p>22 PageCenter.</p> <p>23 Q. Anything else?</p> <p>24 A. They may have access to the --</p> <p>25 within the lender portal, they have access to</p>	<p style="text-align: right;">Page 79</p> <p>1 My File Gateway, as well as our credit</p> <p>2 reporting history for the specific borrowers.</p> <p>3 Q. Okay. And do you know how many</p> <p>4 employees at TSI have access, real-time access</p> <p>5 to AES documents?</p> <p>6 MS. SCRIVANI: Objection.</p> <p>7 THE WITNESS: I do not know</p> <p>8 the number of employees that have real-time</p> <p>9 access. It can change on a daily basis.</p> <p>10 BY MS. HENRY:</p> <p>11 Q. Do you know how they gain access to</p> <p>12 the records of PHEAA?</p> <p>13 MS. SCRIVANI: Objection.</p> <p>14 THE WITNESS: Yes. That</p> <p>15 request would come through the relationship</p> <p>16 manager who then works with our business</p> <p>17 support group to set up that access. They</p> <p>18 submit an access request form to us.</p> <p>19 BY MS. HENRY:</p> <p>20 Q. Okay. Does that access request</p> <p>21 form, does it -- can anybody make an access</p> <p>22 request form?</p> <p>23 MS. SCRIVANI: Objection.</p> <p>24 THE WITNESS: There is a</p> <p>25 designated individual that's responsible for</p>
<p style="text-align: right;">Page 80</p> <p>1 providing the access request form for each</p> <p>2 client. So, no, anyone cannot request the</p> <p>3 access. That individual would need to send us</p> <p>4 the form that outlines the list of individuals</p> <p>5 they are requesting access for.</p> <p>6 BY MS. HENRY:</p> <p>7 Q. And who is that designated</p> <p>8 individual?</p> <p>9 A. I don't know the designated</p> <p>10 individual off the top of my head.</p> <p>11 Q. Okay. And does PHEAA provide any</p> <p>12 specific training for each of those individuals</p> <p>13 that request access?</p> <p>14 A. We do not provide individual</p> <p>15 training for each individual that requests</p> <p>16 access.</p> <p>17 Q. Okay. Has any training been</p> <p>18 provided to TSI employees?</p> <p>19 MS. SCRIVANI: Objection.</p> <p>20 THE WITNESS: Training was</p> <p>21 provided to NCO prior to NCO becoming TSI.</p> <p>22 BY MS. HENRY:</p> <p>23 Q. Okay. And how do you know that?</p> <p>24 A. I recall that individuals from our</p> <p>25 customer service area to -- they are no longer</p>	<p style="text-align: right;">Page 81</p> <p>1 with the agency -- went to NCO to perform such</p> <p>2 training.</p> <p>3 Q. And do you know what that training</p> <p>4 consisted of?</p> <p>5 MS. SCRIVANI: Objection.</p> <p>6 THE WITNESS: Specifically,</p> <p>7 no. However, our general training would</p> <p>8 consist of the screens that the clients have</p> <p>9 access to. TS -- NCO, excuse me, at the time,</p> <p>10 training would have been a little more in depth</p> <p>11 because at the time, they had actually add</p> <p>12 access, which was in addition -- which was</p> <p>13 additional screens from any other client.</p> <p>14 So there would have been additional</p> <p>15 training provided to them versus regular access</p> <p>16 requests.</p> <p>17 BY MS. HENRY:</p> <p>18 Q. Was there any training provided</p> <p>19 concerning the record-keeping, document</p> <p>20 retention and destruction policies that PHEAA</p> <p>21 uses for these trust documents?</p> <p>22 MR. ROTA: Objection.</p> <p>23 THE WITNESS: Not that I'm</p> <p>24 aware of.</p> <p>25 BY MS. HENRY:</p>

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<p style="text-align: right;">Page 82</p> <p>1 Q. Was there any training provided</p> <p>2 concerning the maintenance and storage of data</p> <p>3 that PHEAA has for the trust documents?</p> <p>4 MS. SCRIVANI: Objection.</p> <p>5 THE WITNESS: No, not that I'm</p> <p>6 aware of.</p> <p>7 BY MS. HENRY:</p> <p>8 Q. I'm going to have you look at</p> <p>9 Paragraph 5 of your declaration. So can you</p> <p>10 tell me about this 2001 servicing agreement</p> <p>11 between PHEAA and First Marblehead Corporation?</p> <p>12 MS. SCRIVANI: Objection.</p> <p>13 This goes beyond the scope of her topics here.</p> <p>14 I don't even know what you're asking about</p> <p>15 but --</p> <p>16 MS. HENRY: I'm sorry. I'm</p> <p>17 asking about her declaration that's been filed</p> <p>18 in this case in support of the summary judgment</p> <p>19 that is at issue in this Subpoena and</p> <p>20 deposition.</p> <p>21 MS. SCRIVANI: Well, what is</p> <p>22 your question?</p> <p>23 MS. HENRY: Let me rephrase my</p> <p>24 question.</p> <p>25 MS. SCRIVANI: Okay. Go</p>	<p style="text-align: right;">Page 83</p> <p>1 ahead.</p> <p>2 BY MS. HENRY:</p> <p>3 Q. In 2001, there was a servicing</p> <p>4 agreement between First Marblehead and PHEAA;</p> <p>5 is that correct?</p> <p>6 A. That's correct.</p> <p>7 Q. And that's referenced in Paragraph 5</p> <p>8 of your declaration and attached as Exhibit A;</p> <p>9 is that correct?</p> <p>10 A. That's correct.</p> <p>11 Q. And in 2006 -- in 2006, in</p> <p>12 September, that agreement was amended and</p> <p>13 restated and it is also attached to your</p> <p>14 declaration, Exhibit B; is that correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Do you know why that servicing</p> <p>17 agreement was amended in 2006?</p> <p>18 MS. SCRIVANI: Objection.</p> <p>19 Only if you know.</p> <p>20 THE WITNESS: I do not know.</p> <p>21 BY MS. HENRY:</p> <p>22 Q. Isn't it true that that document was</p> <p>23 amended to be updated to comply with regulatory</p> <p>24 requirements that PHEAA had for servicing</p> <p>25 loans?</p>
<p style="text-align: right;">Page 84</p> <p>1 MS. SCRIVANI: Objection,</p> <p>2 asked and answered.</p> <p>3 THE WITNESS: I don't know the</p> <p>4 specific reason why the agreement was amended</p> <p>5 and restated.</p> <p>6 BY MS. HENRY:</p> <p>7 Q. Could you find out why it was</p> <p>8 amended -- could you find out why it was</p> <p>9 amended and restated?</p> <p>10 MS. SCRIVANI: Objection.</p> <p>11 THE WITNESS: I don't believe</p> <p>12 so. The individuals that worked on the</p> <p>13 portfolio at the time are no longer at the</p> <p>14 agency.</p> <p>15 BY MS. HENRY:</p> <p>16 Q. So no one at PHEAA would know why</p> <p>17 that amendment was done?</p> <p>18 MS. SCRIVANI: Objection.</p> <p>19 THE WITNESS: I don't know.</p> <p>20 There could be notations in our contract</p> <p>21 workflow, but I wasn't involved at the time, so</p> <p>22 I don't know what the specific reasons were or</p> <p>23 if they are outlined.</p> <p>24 We could have amended and restated</p> <p>25 agreements done for clients for a number of</p>	<p style="text-align: right;">Page 85</p> <p>1 reasons.</p> <p>2 BY MS. HENRY:</p> <p>3 Q. Okay. Do you know when U.S. Bank</p> <p>4 became involved with these 2007-3 loans?</p> <p>5 MS. SCRIVANI: Objection, well</p> <p>6 beyond the scope of this deposition.</p> <p>7 THE WITNESS: Are you asking</p> <p>8 anything specifically? I don't know the</p> <p>9 specific date that they became involved. I</p> <p>10 know in 2012, they became involved as the</p> <p>11 special servicer, and that's when we began</p> <p>12 working with them more directly.</p> <p>13 But other than that, I don't know a</p> <p>14 specific date.</p> <p>15 BY MS. HENRY:</p> <p>16 Q. Does U.S. Bank give any direction to</p> <p>17 PHEAA regarding these loans?</p> <p>18 MR. ROTA: Objection.</p> <p>19 MS. SCRIVANI: Beyond the</p> <p>20 scope.</p> <p>21 BY MS. HENRY:</p> <p>22 Q. Ms. Wilbert?</p> <p>23 A. We have had discussions with U.S.</p> <p>24 Bank, and they have provided feedback to items</p> <p>25 specific to all of the trusts. It wasn't just</p>

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<p style="text-align: right;">Page 86</p> <p>1 specifically U.S. Bank. But they were involved</p> <p>2 in the discussions.</p> <p>3 Q. Okay. And who gives direction to</p> <p>4 PHEAA regarding the servicing of the 2007-3</p> <p>5 loans?</p> <p>6 MS. SCRIVANI: Objection,</p> <p>7 beyond the scope.</p> <p>8 MR. ROTA: Objection.</p> <p>9 MS. SCRIVANI: I'm instructing</p> <p>10 you not to answer. We need to move on to the</p> <p>11 topics related to the ownership of 2007-3 loans</p> <p>12 and how that's reflected in PHEAA's system. I</p> <p>13 have a hard stop at 3:00.</p> <p>14 MS. HENRY: I'm actually on</p> <p>15 the declaration, which is part of the Subpoena</p> <p>16 and the Exhibit A documents, so this is -- this</p> <p>17 is directly relevant to where we are, and this</p> <p>18 is the outline of questioning that I'm asking</p> <p>19 the witness at this time.</p> <p>20 MS. SCRIVANI: Well, let me</p> <p>21 just be clear. I have a hard stop at 3:00</p> <p>22 which will have this deposition going four</p> <p>23 hours, which will be way longer than it needed</p> <p>24 to. So I'm suggesting the time be used</p> <p>25 efficiently.</p>	<p style="text-align: right;">Page 87</p> <p>1 MS. HENRY: That may be your</p> <p>2 hard stop if you're saying it has to be</p> <p>3 continued, but that's not knowledge to me.</p> <p>4 MS. SCRIVANI: I'm saying it</p> <p>5 should be wrapped up by then.</p> <p>6 MS. HENRY: You can say that,</p> <p>7 ma'am, but that's not necessarily what's going</p> <p>8 to happen. I'm going to just continue asking</p> <p>9 my questions.</p> <p>10 BY MS. HENRY:</p> <p>11 Q. So I'm going to ask you, in</p> <p>12 Paragraph 8, you said here, "In connection with</p> <p>13 servicing the loans, PHEAA's duties included</p> <p>14 servicing responsibilities on behalf of the</p> <p>15 original lending banks."</p> <p>16 Can you tell me, what</p> <p>17 responsibilities did PHEAA have on behalf of</p> <p>18 the original lending banks?</p> <p>19 A. The same responsibilities I've</p> <p>20 already stated regarding the trust, which would</p> <p>21 include sending correspondence to the borrower,</p> <p>22 taking their phone calls, sending billing</p> <p>23 statements, interest notices, servicing the</p> <p>24 loan.</p> <p>25 Q. Was that done on behalf of the</p>
<p style="text-align: right;">Page 88</p> <p>1 lending banks?</p> <p>2 A. Yes, before they were sold to the</p> <p>3 trust.</p> <p>4 Q. Okay. So PHEAA was servicing these</p> <p>5 loans before they started -- before they were</p> <p>6 sold to the trust?</p> <p>7 A. That's correct.</p> <p>8 Q. How long was -- for the 2007-3</p> <p>9 loans, how long was PHEAA servicing these loans</p> <p>10 before they were allegedly sold to the trust?</p> <p>11 MS. SCRIVANI: Objection.</p> <p>12 MR. ROTA: Objection.</p> <p>13 MS. SCRIVANI: Each loan is</p> <p>14 different.</p> <p>15 THE WITNESS: That could</p> <p>16 vary --</p> <p>17 MS. HENRY: I'm sorry, I'm</p> <p>18 asking Ms. Wilbert.</p> <p>19 THE WITNESS: They all have</p> <p>20 different disbursement dates, so that could</p> <p>21 vary. We began servicing the loan at</p> <p>22 disbursement. For example, Ms. Gosse's loan</p> <p>23 was disbursed on 8/8/2007, if I recall</p> <p>24 correctly, so we began servicing the loan at</p> <p>25 disbursement at that time for the original</p>	<p style="text-align: right;">Page 89</p> <p>1 lender, which was JPMorgan Chase. Other loans</p> <p>2 under the 2007-3 trust could have had different</p> <p>3 disbursement dates, so that timeframe could</p> <p>4 vary.</p> <p>5 BY MS. HENRY:</p> <p>6 Q. Okay.</p> <p>7 A. It was --</p> <p>8 Q. So do your servicing obligations</p> <p>9 change when the servicing is -- your servicing</p> <p>10 is for the banks, lending banks, as opposed to</p> <p>11 when they're allegedly sold to the trust, do</p> <p>12 any of your duties change?</p> <p>13 MR. ROTA: Objection.</p> <p>14 THE WITNESS: So there would</p> <p>15 be different obligations based on the servicing</p> <p>16 guidelines. Obviously, the servicing</p> <p>17 guidelines for our obligations, once the loan</p> <p>18 has been sold, would not come into play once</p> <p>19 the originating lender -- when the originating</p> <p>20 lender is still holding the loan.</p> <p>21 For example, delinquency notices</p> <p>22 could change once the loan is sold because the</p> <p>23 loan is likely, not all, but likely in</p> <p>24 in-school status before the loan was purchased</p> <p>25 by the trust. So we would be sending billing</p>

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<p style="text-align: right;">Page 90</p> <p>1 statements or interest notices on behalf of the</p> <p>2 original lender, not necessarily delinquency</p> <p>3 statements or defaulting the loan, things like</p> <p>4 that.</p> <p>5 So the servicing of the loan is</p> <p>6 different depending on the stage of that loan.</p> <p>7 The servicing guidelines themselves were the</p> <p>8 same across the board.</p> <p>9 BY MS. HENRY:</p> <p>10 Q. And does PHEAA send letters to</p> <p>11 borrowers when the ownership of the loans</p> <p>12 change?</p> <p>13 A. Yes.</p> <p>14 Q. And was a letter sent to Ms. Gosse</p> <p>15 when the ownership of the loan changed?</p> <p>16 A. Yes.</p> <p>17 Q. And do you have the letter?</p> <p>18 A. I do not have that letter. I have a</p> <p>19 copy of the letter showing being sent on our</p> <p>20 servicing system in the history record which</p> <p>21 was provided to you.</p> <p>22 Q. Can you tell me why you do not have</p> <p>23 a copy of the actual letter?</p> <p>24 MS. SCRIVANI: Objection.</p> <p>25 THE WITNESS: Because that</p>	<p style="text-align: right;">Page 91</p> <p>1 letter was deleted from our retention or data</p> <p>2 pool that holds letters after ten years.</p> <p>3 BY MS. HENRY:</p> <p>4 Q. So your data retention and</p> <p>5 destruction policies delete those letters after</p> <p>6 ten years?</p> <p>7 MS. SCRIVANI: Objection.</p> <p>8 MR. ROTA: Objection.</p> <p>9 THE WITNESS: Correct.</p> <p>10 BY MS. HENRY:</p> <p>11 Q. I'm sorry, can you answer the</p> <p>12 question?</p> <p>13 MS. SCRIVANI: She answered</p> <p>14 it.</p> <p>15 THE WITNESS: That's correct.</p> <p>16 MR. ROTA: Same objection.</p> <p>17 BY MS. HENRY:</p> <p>18 Q. Okay. Do you know why there is --</p> <p>19 why the policies would delete such a letter?</p> <p>20 MS. SCRIVANI: Objection.</p> <p>21 THE WITNESS: That's just the</p> <p>22 data retention for those letters. I don't know</p> <p>23 why. That's just the policy.</p> <p>24 BY MS. HENRY:</p> <p>25 Q. Okay. I'm going to stop the</p>
<p style="text-align: right;">Page 92</p> <p>1 sharing.</p> <p>2 So can you tell me, where does PHEAA</p> <p>3 get the Social Security number information for</p> <p>4 the borrowers?</p> <p>5 A. It's --</p> <p>6 MS. SCRIVANI: Objection. Go</p> <p>7 ahead.</p> <p>8 THE WITNESS: It's passed to</p> <p>9 us at origination.</p> <p>10 BY MS. HENRY:</p> <p>11 Q. And passed at origination from whom?</p> <p>12 A. The originating entity.</p> <p>13 Q. And then for the 2007-3 trust, who</p> <p>14 would that be?</p> <p>15 MS. SCRIVANI: Objection,</p> <p>16 asked and answered.</p> <p>17 MR. ROTA: Objection.</p> <p>18 THE WITNESS: FMER on behalf</p> <p>19 of TERI.</p> <p>20 BY MS. HENRY:</p> <p>21 Q. So FMER is passing you the Social</p> <p>22 Security number information?</p> <p>23 A. They were, yes.</p> <p>24 Q. And are they also passing you the</p> <p>25 borrower names and other personal</p>	<p style="text-align: right;">Page 93</p> <p>1 identification?</p> <p>2 A. Yes.</p> <p>3 Q. And do you get that as an electronic</p> <p>4 feed from --</p> <p>5 MS. SCRIVANI: Objection,</p> <p>6 asked and answered.</p> <p>7 BY MS. HENRY:</p> <p>8 Q. -- from FMER?</p> <p>9 A. Yes, we did.</p> <p>10 Q. Okay. So, in this case, there was a</p> <p>11 default on Ms. Gosse's loan; correct?</p> <p>12 A. That's correct.</p> <p>13 Q. And was the loan charged off?</p> <p>14 A. Yes, it was.</p> <p>15 Q. And what does charge off mean?</p> <p>16 A. It's essentially a default. These</p> <p>17 loans were posted as default transactions.</p> <p>18 Some clients have their loans charged off</p> <p>19 versus claim paid. These loans initially were</p> <p>20 claim paid by the guarantor, TERI. However,</p> <p>21 that did change when TERI filed for bankruptcy.</p> <p>22 So we continued to post these as</p> <p>23 1030 transactions on our system, which is a</p> <p>24 claim paid transaction, but no longer a cash</p> <p>25 scenario. It would be a non-cash situation.</p>

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<p style="text-align: right;">Page 94</p> <p>1 So charge off, claim paid is just</p> <p>2 terminology for a defaulted loan.</p> <p>3 Q. Okay. When you charge a loan off,</p> <p>4 do you send anything to the IRS, to the</p> <p>5 borrower, if it's charged off?</p> <p>6 MS. SCRIVANI: Objection,</p> <p>7 beyond the scope. You can answer if you know.</p> <p>8 THE WITNESS: It depends on</p> <p>9 the client. I am not -- I'm not sure what the</p> <p>10 1030 transaction code reports to the IRS.</p> <p>11 BY MS. HENRY:</p> <p>12 Q. Are there any assignment documents</p> <p>13 for the 2007-3 trust?</p> <p>14 MS. SCRIVANI: Objection.</p> <p>15 THE WITNESS: There is</p> <p>16 language in the agreements that the loans would</p> <p>17 be assigned from the original -- the agreement</p> <p>18 would be assigned from the original lender to</p> <p>19 the trust. Is that what you're asking?</p> <p>20 BY MS. HENRY:</p> <p>21 Q. I don't know. Which agreements are</p> <p>22 you referring to?</p> <p>23 A. The servicing agreements and the --</p> <p>24 I'm trying to remember the specific language.</p> <p>25 Q. Are you referring to the 2001</p>	<p style="text-align: right;">Page 95</p> <p>1 servicing agreement or the 2006 amended and</p> <p>2 restated agreement that we were looking at that</p> <p>3 were attached to your declaration, those</p> <p>4 servicing agreements?</p> <p>5 A. I don't remember off the top of my</p> <p>6 head. There is assignment language in the</p> <p>7 agreements, I believe. But I need to look at</p> <p>8 the agreements to confirm.</p> <p>9 I know there is assignment language</p> <p>10 that is in documentation during the actual</p> <p>11 securitization. Several documents are signed</p> <p>12 at that time between the parties. But there is</p> <p>13 also an assignment section, if I recall</p> <p>14 correctly, in the servicing agreement as well.</p> <p>15 But you could certainly pull that up</p> <p>16 to confirm that section.</p> <p>17 Q. And is that a document that you</p> <p>18 supplied either in your declaration or in the</p> <p>19 documents that your attorney gave me yesterday?</p> <p>20 MS. SCRIVANI: Objection.</p> <p>21 THE WITNESS: Yes, the</p> <p>22 servicing agreement is.</p> <p>23 BY MS. HENRY:</p> <p>24 Q. Okay. So -- but there is not any</p> <p>25 individual assignments attached to each loan in</p>
<p style="text-align: right;">Page 96</p> <p>1 FileNet; correct?</p> <p>2 MS. SCRIVANI: Objection.</p> <p>3 THE WITNESS: I don't know</p> <p>4 what that means when you say "individual</p> <p>5 assignments in FileNet." I'm sorry.</p> <p>6 BY MS. HENRY:</p> <p>7 Q. Okay. Well, there is no assignment</p> <p>8 document that refers to a specific loan in</p> <p>9 FileNet for the 2007-trust documents; correct?</p> <p>10 MR. ROTA: Objection.</p> <p>11 THE WITNESS: That's correct.</p> <p>12 BY MS. HENRY:</p> <p>13 Q. Is there an assignment for</p> <p>14 Ms. Gosse's loan?</p> <p>15 MS. SCRIVANI: Objection.</p> <p>16 THE WITNESS: Again, I don't</p> <p>17 know if we're talking about, when you say</p> <p>18 "assignment," if you mean the transfer letter.</p> <p>19 There is details that show the transfer, but I</p> <p>20 don't know if you're referring to the actual</p> <p>21 assignment that is in the servicing agreement.</p> <p>22 That would apply to the trust.</p> <p>23 BY MS. HENRY:</p> <p>24 Q. Well, I'm actually --</p> <p>25 A. Not referring to any -- go ahead.</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. Sorry. I'm actually referring to a</p> <p>2 specific assignment document that would say one</p> <p>3 entity assigned the document to someone else</p> <p>4 and signed off on it, an actual document. Do</p> <p>5 you see anything like that for Ms. Gosse's</p> <p>6 loan?</p> <p>7 MS. SCRIVANI: Objection.</p> <p>8 THE WITNESS: In FileNet, no.</p> <p>9 Again, there is specific assignment language</p> <p>10 that would cover loans in the trust.</p> <p>11 BY MS. HENRY:</p> <p>12 Q. Okay. Do you have any schedules,</p> <p>13 that term schedules --</p> <p>14 MR. ROTA: Objection.</p> <p>15 BY MS. HENRY:</p> <p>16 Q. -- if you know what that means, do</p> <p>17 you have any schedules for the 2007-3 trust</p> <p>18 at PHEAA?</p> <p>19 MS. SCRIVANI: Objection.</p> <p>20 THE WITNESS: I'm not sure</p> <p>21 what you're asking. I know what a schedule is,</p> <p>22 but that could be a number of things. We have</p> <p>23 schedules of the servicing agreement. We have</p> <p>24 multiple schedules.</p> <p>25 So I'm not sure what your question</p>

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<p style="text-align: right;">Page 98</p> <p>1 is exactly.</p> <p>2 BY MS. HENRY:</p> <p>3 Q. What does schedules mean to you?</p> <p>4 A. Schedule is normally a document that</p> <p>5 is attached to an agreement or another document</p> <p>6 that would reference something. It could vary</p> <p>7 depending on what you're talking about. For</p> <p>8 example, most of the documents related to the</p> <p>9 agreement and guidelines have a schedule listed</p> <p>10 with all of the trusts on it.</p> <p>11 Q. Okay. And is that considered an</p> <p>12 assignment?</p> <p>13 MS. SCRIVANI: Objection.</p> <p>14 MR. ROTA: Objection.</p> <p>15 THE WITNESS: No, that's not</p> <p>16 considered an assignment.</p> <p>17 BY MS. HENRY:</p> <p>18 Q. Okay. That's fine. Next topic.</p> <p>19 I'm just going to ask you something I mentioned</p> <p>20 before but I didn't quite get.</p> <p>21 You talked about servicing loans for</p> <p>22 the originating banks before they are</p> <p>23 securitized and allegedly sold to the NCSLT</p> <p>24 trust. Okay?</p> <p>25 A. Uh-huh.</p>	<p style="text-align: right;">Page 99</p> <p>1 Q. Do you have separate servicing</p> <p>2 agreements with the originating banks, like</p> <p>3 JPMorgan Chase, for servicing the 2007-3 loans?</p> <p>4 MS. SCRIVANI: Objection.</p> <p>5 THE WITNESS: We do have</p> <p>6 separate servicing agreements for all of our</p> <p>7 banks, for those that we service for.</p> <p>8 However, there is specific language</p> <p>9 in the servicing agreement that references the</p> <p>10 original banks for which these programs will</p> <p>11 apply to and that that assignment would occur</p> <p>12 from those original lenders to the trust.</p> <p>13 BY MS. HENRY:</p> <p>14 Q. Okay.</p> <p>15 A. Again, I would have to look at a</p> <p>16 document to reference that, but I know that</p> <p>17 that is referenced in those documents.</p> <p>18 Q. Okay. Why don't I do that just so</p> <p>19 that we are on the same page and I understand</p> <p>20 what you're saying. All right. Where do you</p> <p>21 want me to go here?</p> <p>22 A. You can start at the 2001 agreement.</p> <p>23 Q. That is Exhibit A so -- all right.</p> <p>24 A. Go back up. I'm sorry, I was</p> <p>25 reading that last --</p>
<p style="text-align: right;">Page 100</p> <p>1 Q. Okay. I'm sorry. I wasn't sure if</p> <p>2 you were --</p> <p>3 A. So in 1.5 here, it references the</p> <p>4 pools of student loans assigned to permitted</p> <p>5 assignees pursuant to Section 1 -- I think that</p> <p>6 says 1.1.4. So it makes a reference there.</p> <p>7 You can keep going.</p> <p>8 Q. Okay.</p> <p>9 A. 1.7 references owner, means a</p> <p>10 permitted assignee that purchases student</p> <p>11 loans.</p> <p>12 1.8 is permitted assignee.</p> <p>13 1.10, lender means Bank One,</p> <p>14 National Association and such other lenders</p> <p>15 making loans guaranteed by carry and serviced</p> <p>16 by servicer as the parties may designate as</p> <p>17 covered by this agreement and in written</p> <p>18 supplement to this agreement.</p> <p>19 Securitization transaction means the</p> <p>20 purchase of a pool of student loans by an SPE</p> <p>21 in connection with servicer, which servicer</p> <p>22 agrees to execute a servicer consent letter in</p> <p>23 substantially the form of Schedule A,</p> <p>24 references the servicer consent letter which is</p> <p>25 executed at the securitization which would have</p>	<p style="text-align: right;">Page 101</p> <p>1 been done for the 2007-3 trust.</p> <p>2 Q. So this is what you're referring to</p> <p>3 as the evidence of assignment; is that right?</p> <p>4 MS. SCRIVANI: Objection.</p> <p>5 THE WITNESS: You can keep</p> <p>6 going. I mean, there are several different</p> <p>7 areas within here.</p> <p>8 BY MS. HENRY:</p> <p>9 Q. I'm just trying to understand your</p> <p>10 testimony.</p> <p>11 MR. ROTA: I think you asked</p> <p>12 her about agreements with the original lenders.</p> <p>13 And now you have shifted.</p> <p>14 MS. HENRY: Yes. Well,</p> <p>15 because I'm confused as to what she's answering</p> <p>16 here. So --</p> <p>17 THE WITNESS: Well, what I</p> <p>18 answered was we do have agreements with the</p> <p>19 original lenders as well, but specific -- they</p> <p>20 could have other loans. Specific to these</p> <p>21 trusts, there is language in here that</p> <p>22 references the securitization and the</p> <p>23 assignment from the original lender to the</p> <p>24 purchasing entity.</p> <p>25 BY MS. HENRY:</p>

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<p style="text-align: right;">Page 102</p> <p>1 Q. Okay.</p> <p>2 A. If that answers your question, then</p> <p>3 we're good, but --</p> <p>4 Q. Yes, we're good. Thank you very</p> <p>5 much.</p> <p>6 A. Okay.</p> <p>7 Q. Okay. I want to stop the share.</p> <p>8 I'm going have you look at one of the other</p> <p>9 documents that you gave yesterday.</p> <p>10 So this is the 17-300. And I'm</p> <p>11 putting that in the chat. That will be Exhibit</p> <p>12 3.</p> <p>13 (Deposition Exhibit No. 3 was</p> <p>14 marked for identification.)</p> <p>15 BY MS. HENRY:</p> <p>16 Q. All right. Tell me if you can all</p> <p>17 see this.</p> <p>18 A. Yes.</p> <p>19 Q. Okay. This is a document that I</p> <p>20 received from production on behalf of the</p> <p>21 Subpoena. It says, PHEAA-Gosse-00017 through</p> <p>22 300. Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. And if you need me to scroll through</p> <p>25 this, I can. Can you tell me, what is this</p>	<p style="text-align: right;">Page 103</p> <p>1 document?</p> <p>2 A. Yes. This document is showing all</p> <p>3 of the loans that defaulted since Gosse's loan</p> <p>4 defaulted on 11/1/2010 forward in the 2007-3</p> <p>5 trust.</p> <p>6 Q. And why was the 11/1/2010 the</p> <p>7 cutoff?</p> <p>8 MS. SCRIVANI: That was my</p> <p>9 choice as counsel.</p> <p>10 MS. HENRY: Okay.</p> <p>11 BY MS. HENRY:</p> <p>12 Q. So can you tell me, what system did</p> <p>13 this data come from?</p> <p>14 A. That was pulled from our COMPASS</p> <p>15 system. A query was done in our task group to</p> <p>16 pull that data from COMPASS.</p> <p>17 Q. And this query has account numbers.</p> <p>18 Can you tell me, are those account numbers</p> <p>19 internal to PHEAA?</p> <p>20 A. Yes. They correspond to the</p> <p>21 borrower's account. When COMPASS -- so they</p> <p>22 have their SSN and an account number that we</p> <p>23 can use in place of an SSN.</p> <p>24 Q. But this is not an SSN. This is a</p> <p>25 separate account number; right?</p>
<p style="text-align: right;">Page 104</p> <p>1 A. That's an account number, correct.</p> <p>2 Q. Okay. And this has owner code;</p> <p>3 right?</p> <p>4 A. Yes.</p> <p>5 Q. Do you see this column? Can you</p> <p>6 tell me, do you have some kind of chart that</p> <p>7 explains what these owner codes are?</p> <p>8 A. I do not have a chart that explains</p> <p>9 what the owner codes are. The owner code is</p> <p>10 created for the owner, for the lender. 122962</p> <p>11 is National Collegiate Trust owner code</p> <p>12 designated on our system. The various</p> <p>13 suffixes, which are the letters that you see</p> <p>14 after 122962, excuse me, could mean things like</p> <p>15 quarterly capping, or immediate repay.</p> <p>16 So, for example, you might see an IM</p> <p>17 listed there. That could mean the loan is</p> <p>18 immediate repayment versus a QC or a QT could</p> <p>19 mean that it's quarterly capping.</p> <p>20 Typically, a D, something that</p> <p>21 starts with a D, like a DF or DP could mean</p> <p>22 that it was a fully deferred loan. IO would</p> <p>23 mean interest only.</p> <p>24 There are different suffixes that</p> <p>25 are created to drive certain situations on our</p>	<p style="text-align: right;">Page 105</p> <p>1 system.</p> <p>2 But, again, I don't have a chart</p> <p>3 that outlines all of those. It could vary</p> <p>4 across the board.</p> <p>5 Q. Okay. And then 122962, that's for</p> <p>6 all National Collegiate Student Loan trusts?</p> <p>7 A. Yes.</p> <p>8 Q. So you don't differentiate between</p> <p>9 each of the trusts; is that right?</p> <p>10 MS. SCRIVANI: Objection.</p> <p>11 THE WITNESS: Sorry, Stacey.</p> <p>12 MS. SCRIVANI: Go ahead.</p> <p>13 THE WITNESS: They are</p> <p>14 differentiated by the bond issue that I have</p> <p>15 listed beside the owner code. As you can see</p> <p>16 there, the bond ID is listed as NCT 2007-3.</p> <p>17 That is specific to the securitization, 2007-3</p> <p>18 trust.</p> <p>19 BY MS. HENRY:</p> <p>20 Q. Okay. And you said that this bond</p> <p>21 -- you said all this information comes from</p> <p>22 COMPASS; right?</p> <p>23 A. Correct.</p> <p>24 MS. HENRY: I'm going to take</p> <p>25 this down and go to your other document. This</p>

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<p style="text-align: right;">Page 106</p> <p>1 is going to be the next exhibit.</p> <p>2 (Deposition Exhibit No. 4 was</p> <p>3 marked for identification.)</p> <p>4 BY MS. HENRY:</p> <p>5 Q. All right. Can you see this up on</p> <p>6 the screen?</p> <p>7 A. Yes.</p> <p>8 Q. Let me see if I can blow it up a</p> <p>9 little bit. And this is the Gosse, the</p> <p>10 PHEAA-Gosse Exhibits 3001 to 3005. Have you</p> <p>11 reviewed this prior to today's deposition?</p> <p>12 MS. SCRIVANI: Just to be</p> <p>13 clear, it's 301 to 305.</p> <p>14 MS. HENRY: I'm sorry, 301 to</p> <p>15 305. Thank you.</p> <p>16 BY MS. HENRY:</p> <p>17 Q. Can you tell me, what system did</p> <p>18 this information come from?</p> <p>19 A. COMPASS.</p> <p>20 Q. This is COMPASS?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And this information is for</p> <p>23 Gosse's loan; right?</p> <p>24 A. Correct.</p> <p>25 Q. And right here, I'm going to</p>	<p style="text-align: right;">Page 107</p> <p>1 highlight here, it says, bond issue NCT 2007-3.</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. And where did that information come</p> <p>5 from?</p> <p>6 MS. SCRIVANI: Objection.</p> <p>7 THE WITNESS: You mean how did</p> <p>8 it get on the loan?</p> <p>9 BY MS. HENRY:</p> <p>10 Q. How did it get in the system?</p> <p>11 A. When the loan sale process runs, the</p> <p>12 assigned bond issue for this trust was NCT</p> <p>13 2007-3. So that owner code is updated to</p> <p>14 reflect NCT and the bond issue is assigned as</p> <p>15 NCT 2007-3 on the day of the sale.</p> <p>16 Q. And who provides that information to</p> <p>17 PHEAA?</p> <p>18 A. I'm sorry, I didn't hear your</p> <p>19 question.</p> <p>20 Q. Who provided that information to</p> <p>21 PHEAA?</p> <p>22 MS. SCRIVANI: Objection.</p> <p>23 THE WITNESS: We received a,</p> <p>24 not a term sheet. I'm trying to think of the</p> <p>25 correct name, but essentially the details of</p>
<p style="text-align: right;">Page 108</p> <p>1 what should be included in the sale for the</p> <p>2 2007-3 securitization from First Marblehead.</p> <p>3 BY MS. HENRY:</p> <p>4 Q. So you mentioned several entities</p> <p>5 today. You mentioned First Marblehead</p> <p>6 Education Resource, First Marblehead Data,</p> <p>7 FMDR, maybe you can -- First Marblehead Data</p> <p>8 Resource also; is that right?</p> <p>9 A. First Marblehead Data Services.</p> <p>10 Q. Data Services, okay. And First</p> <p>11 Marblehead Corporation. So which one is it;</p> <p>12 where did you receive the information from?</p> <p>13 MS. SCRIVANI: Objection.</p> <p>14 THE WITNESS: The information</p> <p>15 was provided by First Marblehead, but I don't</p> <p>16 know outside of that. FMER is the originator.</p> <p>17 FMDS was the -- excuse me, FMER was the</p> <p>18 originator. FMDS was the administrator on</p> <p>19 behalf of the guarantor, and First Marblehead</p> <p>20 was the corporation. FMC was the corporation.</p> <p>21 We received the data from an individual at</p> <p>22 First Marblehead.</p> <p>23 BY MS. HENRY:</p> <p>24 Q. Do you know who that individual is?</p> <p>25 A. I have the documentation that shows</p>	<p style="text-align: right;">Page 109</p> <p>1 his name, but I can't recall his name off the</p> <p>2 top of my head.</p> <p>3 Q. It's one person?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And did you review whatever</p> <p>6 document it is that names that person for</p> <p>7 today's deposition?</p> <p>8 A. I did.</p> <p>9 Q. And where is that document located?</p> <p>10 A. It's in our file, our client files.</p> <p>11 Q. Is there a reason that document</p> <p>12 wasn't produced?</p> <p>13 MS. SCRIVANI: It wasn't</p> <p>14 produced because it wasn't part of the request.</p> <p>15 MS. HENRY: I'm asking her is</p> <p>16 there a reason it wasn't produced. That's all.</p> <p>17 THE WITNESS: I mean, it was</p> <p>18 an internal document that was submitted for our</p> <p>19 sale process that referenced that individual's</p> <p>20 name.</p> <p>21 BY MS. HENRY:</p> <p>22 Q. Okay. And do you have records that</p> <p>23 document that transmission of information --</p> <p>24 MS. SCRIVANI: Objection.</p> <p>25 BY MS. HENRY:</p>

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<p style="text-align: right;">Page 110</p> <p>1 Q. -- from that individual?</p> <p>2 MS. SCRIVANI: Same objection.</p> <p>3 THE WITNESS: I have the</p> <p>4 request that was submitted that indicates the</p> <p>5 criteria for the sale based on what was</p> <p>6 provided from that individual. It details all</p> <p>7 the requirements and indicates when the prelim</p> <p>8 reports, prelim files would be ran. Excuse me,</p> <p>9 prelims, they are run in advance of the sale</p> <p>10 date. And then that output is provided to the</p> <p>11 clients through PageCenter.</p> <p>12 BY MS. HENRY:</p> <p>13 Q. Anything else about that process?</p> <p>14 MS. SCRIVANI: Objection.</p> <p>15 THE WITNESS: No.</p> <p>16 BY MS. HENRY:</p> <p>17 Q. Ms. Wilbert?</p> <p>18 A. I said no.</p> <p>19 Q. Okay. So let me get that again. So</p> <p>20 there's a criteria for the sale based on what's</p> <p>21 provided from an individual at First</p> <p>22 Marblehead, and then the details and</p> <p>23 requirements then show what files will be run</p> <p>24 for the sale and what is run in advance of the</p> <p>25 sale; is that correct, Ms. Wilbert?</p>	<p style="text-align: right;">Page 111</p> <p>1 Can you explain?</p> <p>2 MS. SCRIVANI: Objection.</p> <p>3 MR. ROTA: Objection.</p> <p>4 THE WITNESS: First Marblehead</p> <p>5 provided criteria for the sale.</p> <p>6 BY MS. HENRY:</p> <p>7 Q. Okay.</p> <p>8 A. And then we had to provide an output</p> <p>9 file with the sale information.</p> <p>10 Q. All right.</p> <p>11 A. That output file was produced to</p> <p>12 you. The prelims that I referenced, those run</p> <p>13 in advance of the sale to give the lender,</p> <p>14 original lender and the purchasing owner</p> <p>15 advance notice of what the total amount is</p> <p>16 going to look like that's included in the sale,</p> <p>17 as well as the loans included.</p> <p>18 They have to review it and provide</p> <p>19 confirmation that we can proceed with the sale.</p> <p>20 Once they do that, we then proceed with the</p> <p>21 sale and that final file runs, which was</p> <p>22 provided to you.</p> <p>23 Q. All right. Thank you. Anything</p> <p>24 else?</p> <p>25 MS. SCRIVANI: Objection.</p>
<p style="text-align: right;">Page 112</p> <p>1 THE WITNESS: I don't think</p> <p>2 so.</p> <p>3 BY MS. HENRY:</p> <p>4 Q. I'm going to ask you to look at</p> <p>5 this, what I have highlighted here. It says,</p> <p>6 status, claim paid. Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. Can you tell me, why does it say</p> <p>9 that the claim is paid?</p> <p>10 MS. SCRIVANI: Objection.</p> <p>11 THE WITNESS: The loan is</p> <p>12 defaulted, and as I stated earlier, we use the</p> <p>13 1030 claim payoff process that was in place</p> <p>14 when TERI was the guarantor of the loan.</p> <p>15 So when the loan defaults, the</p> <p>16 status reflects claim paid.</p> <p>17 BY MS. HENRY:</p> <p>18 Q. And when you said it was because</p> <p>19 when TERI was on the loan, is that because TERI</p> <p>20 guaranteed all the loans and paid them?</p> <p>21 A. Correct.</p> <p>22 Q. Okay.</p> <p>23 MS. SCRIVANI: Objection.</p> <p>24 BY MS. HENRY:</p> <p>25 Q. And the Social Security number here,</p>	<p style="text-align: right;">Page 113</p> <p>1 you said that that is inputted from information</p> <p>2 provided by FMER; is that right?</p> <p>3 A. That's correct.</p> <p>4 MS. SCRIVANI: Objection.</p> <p>5 BY MS. HENRY:</p> <p>6 Q. Okay. Do you receive any money --</p> <p>7 did you receive any origination information</p> <p>8 directly from TERI?</p> <p>9 MS. SCRIVANI: Objection.</p> <p>10 THE WITNESS: FMER was working</p> <p>11 on behalf of TERI, so there could have been</p> <p>12 individuals from FMER and TERI involved. I</p> <p>13 can't tell you who was involved at that time as</p> <p>14 far as individuals go.</p> <p>15 BY MS. HENRY:</p> <p>16 Q. Right. But PHEAA received the</p> <p>17 information directly -- did PHEAA receive any</p> <p>18 information directly from TERI, or did they</p> <p>19 receive it only from FMER?</p> <p>20 MS. SCRIVANI: Objection,</p> <p>21 asked and answered.</p> <p>22 THE WITNESS: We received the</p> <p>23 information from FMER working on behalf of</p> <p>24 TERI.</p> <p>25 MS. HENRY: Okay. Thank you.</p>

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<p style="text-align: right;">Page 114</p> <p>1 I'm going to take this down. I'm going take a</p> <p>2 five-minute break.</p> <p>3 Do you know, do we have breakout</p> <p>4 rooms? Is that something that we have here, or</p> <p>5 no?</p> <p>6 (Discussion held off the</p> <p>7 record.)</p> <p>8 (Short recess taken.)</p> <p>9 BY MS. HENRY:</p> <p>10 Q. So do you remember we talked about</p> <p>11 access that people outside of PHEAA have to</p> <p>12 COMPASS and to other records at PHEAA?</p> <p>13 A. Yes.</p> <p>14 Q. And we talked, specifically, about</p> <p>15 Transworld System, Inc., having access to PHEAA</p> <p>16 records; right?</p> <p>17 A. Yes. Correct.</p> <p>18 Q. And you provided some documents</p> <p>19 where there is the agreements, where TSI and</p> <p>20 formerly NCO could have real-time access to</p> <p>21 PHEAA's records; right?</p> <p>22 A. Correct.</p> <p>23 Q. Does PHEAA keep records of every</p> <p>24 time someone from Transworld, previously NCO,</p> <p>25 accesses PHEAA's records for the trust?</p>	<p style="text-align: right;">Page 115</p> <p>1 A. I don't know the record history on</p> <p>2 the COMPASS system.</p> <p>3 Q. Do you know who would know?</p> <p>4 A. That's an IT question.</p> <p>5 Q. So someone in IT would know?</p> <p>6 MS. SCRIVANI: Objection.</p> <p>7 MR. ROTA: Objection.</p> <p>8 THE WITNESS: I don't know if</p> <p>9 they would know. I don't know if there is a</p> <p>10 history. I would need to -- it's something</p> <p>11 that would need to be inquired with IT.</p> <p>12 BY MS. HENRY:</p> <p>13 Q. Okay.</p> <p>14 A. Or our business support group that</p> <p>15 deals with the access request.</p> <p>16 Q. All right. So my next question, you</p> <p>17 probably don't know either, but I'm going to</p> <p>18 ask it anyway, do you know if there would be</p> <p>19 such records on a per loan basis or a per</p> <p>20 borrower basis?</p> <p>21 MS. SCRIVANI: Objection.</p> <p>22 BY MS. HENRY:</p> <p>23 Q. Or would it be per access?</p> <p>24 A. I don't know that.</p> <p>25 Q. Do you know, did you provide all of</p>
<p style="text-align: right;">Page 116</p> <p>1 the documents for Ms. Gosse's loan that PHEAA</p> <p>2 has in its possession?</p> <p>3 MS. SCRIVANI: Objection.</p> <p>4 I'll answer that because I had this discussion</p> <p>5 with your co-counsel.</p> <p>6 MS. HENRY: I'm asking</p> <p>7 Ms. Wilbert.</p> <p>8 MS. SCRIVANI: Well, I'm going</p> <p>9 to answer it. You can ask your question, but</p> <p>10 I'm going to tell you that my discussion with</p> <p>11 Mr. Cocco was very clearly that we could not</p> <p>12 provide every record that ever existed at PHEAA</p> <p>13 related to Ms. Gosse's loan because it's</p> <p>14 electronic and we were certainly not providing,</p> <p>15 on this call and otherwise, access to the</p> <p>16 COMPASS system.</p> <p>17 So what I told him we would provide</p> <p>18 and we did provide were screenshots of the</p> <p>19 documents that were responsive and relevant to</p> <p>20 the narrow issue.</p> <p>21 BY MS. HENRY:</p> <p>22 Q. Okay. Ms. Wilbert, I am now going</p> <p>23 to ask you the question. Have you provided all</p> <p>24 the documents to Ms. Gosse's loan that PHEAA</p> <p>25 has?</p>	<p style="text-align: right;">Page 117</p> <p>1 A. No.</p> <p>2 Q. And what information have you not</p> <p>3 provided?</p> <p>4 MS. SCRIVANI: Objection.</p> <p>5 THE WITNESS: There are</p> <p>6 notations on the history of the loan since</p> <p>7 2007, when the loan was disbursed, through</p> <p>8 current date. There could be any -- which was</p> <p>9 not specific to this request, so I did not</p> <p>10 review it, but if the customer had provided any</p> <p>11 deferment or forbearance forms over the life of</p> <p>12 the loan or any correspondence outside of the</p> <p>13 ownership issue at hand, then that would have</p> <p>14 been stored in FileNet as well.</p> <p>15 BY MS. HENRY:</p> <p>16 Q. Can you tell me a little bit about</p> <p>17 these notations at the time of disbursement?</p> <p>18 Where are those kept?</p> <p>19 A. COMPASS. So one of the screenshots</p> <p>20 that I provided to you showed a screen print of</p> <p>21 our activity. If I recall correctly, it's</p> <p>22 called our activity detail screen. I could be</p> <p>23 saying that incorrectly.</p> <p>24 But they provide a screenshot of ITD</p> <p>25 2A, which is our history record, that stores</p>

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<p style="text-align: right;">Page 118</p> <p>1 any notations that are made by representatives</p> <p>2 for processing or correspondence that's mailed</p> <p>3 automatically through the system, or borrower</p> <p>4 calls that may have been received, so on and so</p> <p>5 forth.</p> <p>6 Q. I'm going to put that on the screen</p> <p>7 quickly so that you can explain to me better</p> <p>8 what you are saying.</p> <p>9 A. Sure.</p> <p>10 Q. Okay. So here is the COMPASS</p> <p>11 documents that we were provided. Where should</p> <p>12 I be looking?</p> <p>13 A. I think if you go to the last page.</p> <p>14 Q. Okay.</p> <p>15 A. So right there, that shows the</p> <p>16 activity detail screen. ITD 2A is where we</p> <p>17 store our notations. And this was --</p> <p>18 Q. Is that ITD 2A right here where I've</p> <p>19 highlighted?</p> <p>20 A. Correct.</p> <p>21 Q. I'm sorry, I didn't mean to cut you</p> <p>22 off. You were continuing?</p> <p>23 A. I was just saying this would</p> <p>24 specifically show the date in which we sent the</p> <p>25 transfer letter to the borrower when the loan</p>	<p style="text-align: right;">Page 119</p> <p>1 sale occurs.</p> <p>2 Q. And that's right here?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And is that the notations</p> <p>5 that you're referring to that happen at</p> <p>6 disbursement?</p> <p>7 A. I'm saying there could be notations</p> <p>8 on the loan from disbursement date of 8/8/2007</p> <p>9 forward. So anything could happen every day on</p> <p>10 the loan. Any time there is a phone call</p> <p>11 received or documentation processed, a letter</p> <p>12 sent, it would be reflected in this activity</p> <p>13 detail screen.</p> <p>14 And so because the loan was</p> <p>15 disbursed back in 2007, there would be a long</p> <p>16 history of notations.</p> <p>17 Q. There would be an entire year of</p> <p>18 notations; right?</p> <p>19 A. No. That's just the year from the</p> <p>20 date of disbursement through the loan sale.</p> <p>21 I'm talking about there would be notations from</p> <p>22 disbursement date through current date.</p> <p>23 Q. Okay. And those were not provided?</p> <p>24 A. Correct.</p> <p>25 Q. All right. Also on the Exhibit A to</p>
<p style="text-align: right;">Page 120</p> <p>1 the Subpoena, there was a request regarding the</p> <p>2 records that were provided to the Boston</p> <p>3 Portfolio Advisors regarding their emergency</p> <p>4 audit in 2015. Do you recall this?</p> <p>5 A. I recall the request, yes.</p> <p>6 Q. Okay. And did you review any</p> <p>7 documents in preparation for that topic?</p> <p>8 MS. SCRIVANI: Objection. I'm</p> <p>9 sorry. I'm confused. Are you asking about</p> <p>10 documents that were supposed to be produced</p> <p>11 pursuant to the documents to produce, or are</p> <p>12 you asking about topics?</p> <p>13 MS. HENRY: I'm asking about</p> <p>14 topics.</p> <p>15 BY MS. HENRY:</p> <p>16 Q. Topic K, specifically, about the</p> <p>17 records that we requested provided to BPA, did</p> <p>18 you review those records before today's</p> <p>19 deposition?</p> <p>20 MS. SCRIVANI: Objection,</p> <p>21 assumes facts not in evidence.</p> <p>22 THE WITNESS: Yes. I,</p> <p>23 personally, did not review any specific</p> <p>24 documents.</p> <p>25 BY MS. HENRY:</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. Did you review whether PHEAA</p> <p>2 provided some loans for that BPA audit?</p> <p>3 MS. SCRIVANI: Objection,</p> <p>4 beyond the scope of the topics on Exhibit A.</p> <p>5 You can answer.</p> <p>6 THE WITNESS: I spoke to my</p> <p>7 counsel regarding that, and I do know that</p> <p>8 there was a selection of loans that were</p> <p>9 sampled for that audit.</p> <p>10 BY MS. HENRY:</p> <p>11 Q. And do you know anything about the</p> <p>12 sample of loans?</p> <p>13 MS. SCRIVANI: Objection,</p> <p>14 beyond the scope.</p> <p>15 THE WITNESS: I don't know</p> <p>16 about the sample of loans, specifically, but I</p> <p>17 know that there was a sample of around 379</p> <p>18 loans that were requested in the sample.</p> <p>19 BY MS. HENRY:</p> <p>20 Q. And do you know who the employees</p> <p>21 were that communicated with BPA regarding those</p> <p>22 loans?</p> <p>23 MS. SCRIVANI: Objection,</p> <p>24 beyond the scope of the question which is</p> <p>25 limited to communication concerning the</p>

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<p style="text-align: right;">Page 122</p> <p>1 ownership issues relating to the 2007-3 loans.</p> <p>2 You can answer if you know.</p> <p>3 THE WITNESS: I'm sorry, did</p> <p>4 you say employees at PHEAA that communicated</p> <p>5 with --</p> <p>6 BY MS. HENRY:</p> <p>7 Q. I'll ask it again. Advisors</p> <p>8 concerning those 379 loans?</p> <p>9 A. I know individuals that were</p> <p>10 involved with the review at that time, yes.</p> <p>11 Q. And can you tell me the names of</p> <p>12 those individuals?</p> <p>13 A. Vicky, her name was Roganish at the</p> <p>14 time, was in charge of the external audits</p> <p>15 division. Specifically individuals within that</p> <p>16 division that may have spoken to BPA, I don't</p> <p>17 know that with certainty.</p> <p>18 Q. Vicky Beganish (sic), is that</p> <p>19 B-E-G-A-N-I-S-H (sic)?</p> <p>20 A. Yes.</p> <p>21 Q. And you said that's no longer her</p> <p>22 name?</p> <p>23 A. Her name has since changed to</p> <p>24 Lininger.</p> <p>25 Q. And how do I spell that?</p>	<p style="text-align: right;">Page 123</p> <p>1 A. I'm going to guess here because I</p> <p>2 don't know exactly the spelling. I believe</p> <p>3 it's L-I-N-I-N-G-E-R.</p> <p>4 MS. SCRIVANI: And her maiden</p> <p>5 name was Roganish with an R.</p> <p>6 THE WITNESS: I'm sorry. I</p> <p>7 thought that's what she said.</p> <p>8 BY MS. HENRY:</p> <p>9 Q. Thank you.</p> <p>10 Does she still work at PHEAA?</p> <p>11 A. She does.</p> <p>12 Q. And do you know what location she</p> <p>13 works at?</p> <p>14 A. It's a remote as well as in office,</p> <p>15 same as mine.</p> <p>16 Q. At the same -- at the Pennsylvania</p> <p>17 headquarters?</p> <p>18 A. Yes.</p> <p>19 Q. And you said -- what division is she</p> <p>20 in?</p> <p>21 A. External audits.</p> <p>22 Q. Do you know her position?</p> <p>23 A. She is a vice president.</p> <p>24 Q. Anyone else that communicated with</p> <p>25 BPA for the BPA audits?</p>
<p style="text-align: right;">Page 124</p> <p>1 MS. SCRIVANI: Objection,</p> <p>2 beyond the scope of the topics. You can answer</p> <p>3 if you know.</p> <p>4 THE WITNESS: There were two</p> <p>5 individuals in client relations at the time</p> <p>6 that are no longer in client relations, Ken</p> <p>7 Shutter and Sara Parrish. They were involved</p> <p>8 with the request. I don't know if they had</p> <p>9 direct communication with BPA. But they were</p> <p>10 involved with Vicky for that audit.</p> <p>11 MS. HENRY: Okay. Just one</p> <p>12 second. There's someone knocking at my door.</p> <p>13 I will be one second.</p> <p>14 (Discussion held off the</p> <p>15 record.)</p> <p>16 BY MS. HENRY:</p> <p>17 Q. Ken Shutter, and you said Sara</p> <p>18 Parrish; do they still work at PHEAA?</p> <p>19 A. Sara Parrish does not work at PHEAA</p> <p>20 any longer. Ken Shutter does for a couple more</p> <p>21 weeks.</p> <p>22 Q. And where is he located?</p> <p>23 A. He is in the PHEAA headquarters</p> <p>24 building as well as remote work from home.</p> <p>25 Q. Okay. And did you communicate with</p>	<p style="text-align: right;">Page 125</p> <p>1 Vicky or Ken or Sara concerning ownership</p> <p>2 issues discussed with the Boston Portfolio</p> <p>3 Advisors for that audit?</p> <p>4 MS. SCRIVANI: Objection. You</p> <p>5 can answer.</p> <p>6 MR. ROTA: Objection.</p> <p>7 THE WITNESS: Sorry, Stacey.</p> <p>8 Did you say I can answer?</p> <p>9 MS. SCRIVANI: You can, yeah.</p> <p>10 THE WITNESS: Okay. I did not</p> <p>11 speak with Ken or Sara. My counsel did speak</p> <p>12 with Vicky.</p> <p>13 BY MS. HENRY:</p> <p>14 Q. Your counsel spoke with Vicky, but</p> <p>15 you did not speak with Vicky; is that right?</p> <p>16 A. That's correct.</p> <p>17 Q. Why was that, Ms. Wilbert?</p> <p>18 MS. SCRIVANI: Objection. I'm</p> <p>19 going to instruct you not to answer regarding</p> <p>20 attorney-client privilege.</p> <p>21 BY MS. HENRY:</p> <p>22 Q. Just quickly, for Ken Shutter, you</p> <p>23 said he was in client relations. What is his</p> <p>24 role now?</p> <p>25 A. He is the vice president of our PA</p>

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<p style="text-align: right;">Page 126</p> <p>1 Forward program. I don't know the -- I don't</p> <p>2 know his exact title. He is the vice</p> <p>3 president.</p> <p>4 Q. Without getting into details, can</p> <p>5 you tell me quickly what PA Forward means?</p> <p>6 MS. SCRIVANI: Objection,</p> <p>7 beyond the scope.</p> <p>8 THE WITNESS: It's one of</p> <p>9 PHEAA's private loan programs.</p> <p>10 BY MS. HENRY:</p> <p>11 Q. Okay. That's all I need to know.</p> <p>12 And Sara Parrish, do you know when she left</p> <p>13 PHEAA?</p> <p>14 A. I do not remember the exact</p> <p>15 timeframe. I believe 2018.</p> <p>16 Q. Do you have any idea where she went?</p> <p>17 MS. SCRIVANI: Objection.</p> <p>18 THE WITNESS: I do.</p> <p>19 BY MS. HENRY:</p> <p>20 Q. Where did she go?</p> <p>21 A. CampusDoor.</p> <p>22 Q. Campus store?</p> <p>23 A. CampusDoor, D-O-O-R.</p> <p>24 Q. And is that in Pennsylvania?</p> <p>25 MS. SCRIVANI: Objection.</p>	<p style="text-align: right;">Page 127</p> <p>1 THE WITNESS: Yes.</p> <p>2 BY MS. HENRY:</p> <p>3 Q. Do you know what her role is there?</p> <p>4 MS. SCRIVANI: Objection.</p> <p>5 THE WITNESS: She is the</p> <p>6 president.</p> <p>7 BY MS. HENRY:</p> <p>8 Q. She is the president of CampusDoor?</p> <p>9 A. I believe that's her new title, yes.</p> <p>10 Unless it changed.</p> <p>11 Q. Okay. So for the 379 loans and the</p> <p>12 sample of those loans, what is your</p> <p>13 understanding of what information was relayed</p> <p>14 to the Boston Portfolio Advisors regarding</p> <p>15 ownership of the NCSLT trust loans?</p> <p>16 MR. ROTA: Objection.</p> <p>17 MS. SCRIVANI: Objection. You</p> <p>18 can answer.</p> <p>19 THE WITNESS: I'm not aware of</p> <p>20 anything specifically discussed regarding</p> <p>21 ownership.</p> <p>22 BY MS. HENRY:</p> <p>23 Q. Okay. Are you aware of anything</p> <p>24 discussed regarding assignments?</p> <p>25 MS. SCRIVANI: Objection.</p>
<p style="text-align: right;">Page 128</p> <p>1 THE WITNESS: Not specific to</p> <p>2 assignments, no.</p> <p>3 BY MS. HENRY:</p> <p>4 Q. Okay. And you did not review the</p> <p>5 379 loans that were selected for that audit;</p> <p>6 right?</p> <p>7 A. No. That's correct.</p> <p>8 Q. Do you know how they were chosen,</p> <p>9 the 379 loans?</p> <p>10 MS. SCRIVANI: Objection.</p> <p>11 THE WITNESS: I do not.</p> <p>12 BY MS. HENRY:</p> <p>13 Q. Did you ask anybody about how they</p> <p>14 were chosen?</p> <p>15 MS. SCRIVANI: Objection.</p> <p>16 THE WITNESS: I did not. I</p> <p>17 know that they were provided to us as the</p> <p>18 sample. I don't know how they were chosen.</p> <p>19 BY MS. HENRY:</p> <p>20 Q. Okay. And it's my understanding</p> <p>21 that there was some difficulty in matching the</p> <p>22 borrower information with the data files for</p> <p>23 those 379 files. Can you tell me why that</p> <p>24 would be an issue?</p> <p>25 MS. SCRIVANI: Objection.</p>	<p style="text-align: right;">Page 129</p> <p>1 MR. ROTA: Objection.</p> <p>2 MS. SCRIVANI: I'm going to</p> <p>3 instruct you not to answer that question. It's</p> <p>4 beyond the scope and I don't understand it.</p> <p>5 BY MS. HENRY:</p> <p>6 Q. I'm just asking, of those 379 loans</p> <p>7 that were provided as a sample, if there is an</p> <p>8 outside person that had to review the loans,</p> <p>9 would they have difficulty matching up the</p> <p>10 borrower information with the data files?</p> <p>11 MR. ROTA: Objection.</p> <p>12 THE WITNESS: I do not know</p> <p>13 what would have been contained in the data</p> <p>14 files, to answer that question, but based on</p> <p>15 what they were provided and had access to at</p> <p>16 the time, there should have been no reason why</p> <p>17 they had difficulty in doing that.</p> <p>18 BY MS. HENRY:</p> <p>19 Q. Okay. And are those files still</p> <p>20 kept in a way that they are easy to access?</p> <p>21 MR. ROTA: Objection.</p> <p>22 MS. SCRIVANI: Objection.</p> <p>23 What files?</p> <p>24 BY MS. HENRY:</p> <p>25 Q. The 379 files, are they kept in a</p>

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<p style="text-align: right;">Page 130</p> <p>1 way that they are segregated or do you know</p> <p>2 where they are, and are they still accessible?</p> <p>3 MS. SCRIVANI: Objection.</p> <p>4 MR. ROTA: Objection.</p> <p>5 THE WITNESS: As far as I'm</p> <p>6 aware, they have access to the 379 loans that</p> <p>7 were identified for the audit.</p> <p>8 BY MS. HENRY:</p> <p>9 Q. In other words, if we -- if you had</p> <p>10 to produce the documentation that was provided</p> <p>11 to the BPA audit, could you produce it?</p> <p>12 MS. SCRIVANI: Objection,</p> <p>13 outside the scope. You can answer if you know.</p> <p>14 THE WITNESS: I don't know if</p> <p>15 we have the documentation that was provided to</p> <p>16 BPA.</p> <p>17 BY MS. HENRY:</p> <p>18 Q. Okay. So during this deposition,</p> <p>19 you referred to several documents that you</p> <p>20 reviewed in preparation for this deposition.</p> <p>21 A. I'm sorry, can I go back to your</p> <p>22 last question for a minute?</p> <p>23 Q. Yes.</p> <p>24 A. As far as the information that was</p> <p>25 provided to BPA, we do still have it imaged in</p>	<p style="text-align: right;">Page 131</p> <p>1 the individual borrower's account. I just</p> <p>2 don't know if we have the packets available</p> <p>3 that were sent to BPA. I just want to make</p> <p>4 that clear.</p> <p>5 Q. Thank you for that clarification.</p> <p>6 So during the deposition, you</p> <p>7 referred to several documents that you reviewed</p> <p>8 in preparation for the deposition that you did</p> <p>9 not produce. I'm going to ask that you produce</p> <p>10 those documents, and I'm going also ask that</p> <p>11 this deposition be continued because we have --</p> <p>12 we have a right to ask you about those</p> <p>13 documents and review those documents reviewed</p> <p>14 in preparation for this deposition.</p> <p>15 So I'm going to continue this</p> <p>16 deposition on the record.</p> <p>17 MS. SCRIVANI: You can make</p> <p>18 your request for any documents to me, but we</p> <p>19 object to and will not make Ms. Wilbert</p> <p>20 available again for another deposition. So if</p> <p>21 you have anything else to ask her, you should</p> <p>22 finish it today.</p> <p>23 MS. HENRY: I'm putting my</p> <p>24 request on the record. And that's where we are</p> <p>25 at.</p>
<p style="text-align: right;">Page 132</p> <p>1 Anyone else have anything else?</p> <p>2 Otherwise, subject to continuance, we're done</p> <p>3 for today.</p> <p>4 MS. SCRIVANI: I have some</p> <p>5 followup with Ms. Wilbert to close out some</p> <p>6 questions.</p> <p>7 EXAMINATION</p> <p>8 BY MS. SCRIVANI:</p> <p>9 Q. There's been, well, a lot of</p> <p>10 confusion, but there was particular confusion</p> <p>11 on issues about whether there is destruction of</p> <p>12 original wet signature documents. So I want to</p> <p>13 focus only on wet signature origination credit</p> <p>14 documents.</p> <p>15 Is there something that governs,</p> <p>16 with respect to the 2007-3, anything that's wet</p> <p>17 signature in the 2007-3 trust that PHEAA would</p> <p>18 look to, at least initially, regarding what its</p> <p>19 obligations are with respect to maintaining the</p> <p>20 original wet signature documents?</p> <p>21 A. Yes. The servicing agreement does</p> <p>22 speak to containing the original wet signature</p> <p>23 documents. I believe the language is five</p> <p>24 years after the loan is paid in full or</p> <p>25 deconverted.</p>	<p style="text-align: right;">Page 133</p> <p>1 Q. And with respect to the documents in</p> <p>2 the 2007-3, is there, to the best of your</p> <p>3 knowledge, to the extent PHEAA has any wet</p> <p>4 signature documents for loans in the 2007-3</p> <p>5 NCSLT trust, have any of those documents been</p> <p>6 destroyed, original credit wet signature</p> <p>7 documents?</p> <p>8 A. To the best of my knowledge, no.</p> <p>9 Q. And what is your basis for saying</p> <p>10 that?</p> <p>11 A. We -- our retention policy was</p> <p>12 implemented, I believe, within the last year.</p> <p>13 And prior to that being implemented, we were</p> <p>14 told that we were not able to destroy any</p> <p>15 NCT-related documents.</p> <p>16 MS. SCRIVANI: I have no</p> <p>17 further questions.</p> <p>18 EXAMINATION</p> <p>19 BY MR. SHARTLE:</p> <p>20 Q. Hi. I actually have a couple</p> <p>21 questions. Good afternoon, Ms. Wilbert.</p> <p>22 A. Good afternoon.</p> <p>23 Q. You testified earlier to some</p> <p>24 training that TSI had with respect to the</p> <p>25 COMPASS system and the document retention</p>

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<p style="text-align: right;">Page 134</p> <p>1 policy for AES. I got a question, a couple of</p> <p>2 questions, actually, relating to that.</p> <p>3 Is it possible that real-time</p> <p>4 discussions and calls occurred with TSI</p> <p>5 representatives about particular matters in</p> <p>6 CSLP lawsuits otherwise, where AES, some</p> <p>7 representative at AES, explained how documents</p> <p>8 and information was maintained by AES?</p> <p>9 A. It's possible. I mean, I have had,</p> <p>10 myself, have had many calls with Bradley Luke</p> <p>11 over the years relating to lawsuits. I can't</p> <p>12 recall anything specifically, but it's quite</p> <p>13 possible that that discussion may have occurred</p> <p>14 with myself or someone on the letter team.</p> <p>15 Q. And if Bradley Luke or someone else</p> <p>16 over at TSI were to testify that such</p> <p>17 conversations did, in fact, occur, would you</p> <p>18 have any reason to disagree with that</p> <p>19 representation?</p> <p>20 A. No.</p> <p>21 MR. SHARTLE: I have nothing</p> <p>22 further.</p> <p>23 EXAMINATION</p> <p>24 BY MR. ROTA:</p> <p>25 Q. This is Al Rota from U.S. Bank.</p>	<p style="text-align: right;">Page 135</p> <p>1 Hello. I only have a couple of questions about</p> <p>2 the BPA audit that you were just discussing.</p> <p>3 Concerning the 379 loans, did PHEAA</p> <p>4 send hard copy documents, hard copy loan file</p> <p>5 documents to BPA?</p> <p>6 A. Yes, we did. For the 379 loans,</p> <p>7 prior to them coming on-site, we did send them</p> <p>8 the credit agreement, disclosure statement --</p> <p>9 yes, sorry, disclosure statement and</p> <p>10 application, if that did exist. And that was</p> <p>11 provided before they came on-site.</p> <p>12 Q. Okay. Was any other -- was BPA</p> <p>13 provided access to any systems?</p> <p>14 A. They were provided read-only access</p> <p>15 to our system while they were on-site.</p> <p>16 Q. Okay. Which system?</p> <p>17 A. COMPASS. I'm sorry.</p> <p>18 Q. Okay. Was BPA provided with any</p> <p>19 kind of access to any other system?</p> <p>20 A. I believe they got -- they were</p> <p>21 granted system access to COMPASS.</p> <p>22 Q. Okay. Do you know what records,</p> <p>23 within COMPASS, BPA analyzed concerning the 379</p> <p>24 loans?</p> <p>25 A. Specifically, no. I do not know</p>
<p style="text-align: right;">Page 136</p> <p>1 what they analyzed.</p> <p>2 Q. Ms. Henry put up screenshots of the</p> <p>3 COMPASS system earlier. Unfortunately, I'm not</p> <p>4 able -- I'm not able to put those up right now.</p> <p>5 In one of those documents, Bates No.</p> <p>6 PHEAA-Gosse-000305, there is a notation that</p> <p>7 says, and I will read it to you, ATSFTR transfer</p> <p>8 letter, date 09/20/07, requester TSX 08,</p> <p>9 recipient, and then 198686504?</p> <p>10 Are you familiar with that type of a</p> <p>11 notation within the COMPASS system?</p> <p>12 A. Yes, I am.</p> <p>13 Q. What does that notation refer to?</p> <p>14 A. That's an automatic notation that is</p> <p>15 generated so that when you see the requester is</p> <p>16 TX, I believe it was 08, that means that that</p> <p>17 is a system-generated notation. It's not a</p> <p>18 physical person putting out that notation.</p> <p>19 So when our loan process runs, if it</p> <p>20 was requested that a loan sale letter be sent,</p> <p>21 the system will automatically trigger that loan</p> <p>22 sale letter to the recipient that is listed</p> <p>23 under the recipient field.</p> <p>24 So if that recipient ID is --</p> <p>25 matches the borrower's SSN, that would mean</p>	<p style="text-align: right;">Page 137</p> <p>1 that that letter was sent to the primary</p> <p>2 borrower.</p> <p>3 If it is the co-signer's SSN, that</p> <p>4 means that the recipient for that communication</p> <p>5 was sent to the co-signer.</p> <p>6 Q. Okay. So just to be clear, Bates</p> <p>7 No. PHEAA-Gosse 000305, the notation ATSFTR</p> <p>8 transfer letter refers to a letter describing</p> <p>9 what?</p> <p>10 A. It's a loan sale letter describing</p> <p>11 that the loan was sold from, in this case</p> <p>12 JPMorgan Chase to National Collegiate Trust</p> <p>13 2007-3.</p> <p>14 MS. HENRY: Objection.</p> <p>15 MR. ROTA: I believe those are</p> <p>16 all the questions I have. Thank you.</p> <p>17 MS. HENRY: I have a couple</p> <p>18 other questions.</p> <p>19 EXAMINATION</p> <p>20 BY MS. HENRY:</p> <p>21 Q. First of all, I forgot to ask you,</p> <p>22 we've had a couple of breaks. Did you speak to</p> <p>23 anyone during those breaks, Ms. Wilbert?</p> <p>24 A. I spoke to my attorney.</p> <p>25 Q. What did you speak about?</p>

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<p style="text-align: right;">Page 138</p> <p>1 MS. SCRIVANI: Objection and</p> <p>2 instruct you not to answer, attorney-client</p> <p>3 privilege.</p> <p>4 BY MS. HENRY:</p> <p>5 Q. And do you have a template from that</p> <p>6 transfer letter, ATSFR transfer letter?</p> <p>7 A. Yes.</p> <p>8 Q. -- that you were just referencing?</p> <p>9 A. Yes.</p> <p>10 Q. And can you provide that template?</p> <p>11 MS. SCRIVANI: Objection. You</p> <p>12 can make your request to counsel and we'll</p> <p>13 consider it.</p> <p>14 BY MS. HENRY:</p> <p>15 Q. But you don't have the actual</p> <p>16 transfer letter that is referenced in the 305</p> <p>17 Bates numbered document; right?</p> <p>18 MS. SCRIVANI: Objection,</p> <p>19 asked and answered.</p> <p>20 THE WITNESS: That's correct.</p> <p>21 BY MS. HENRY:</p> <p>22 Q. Ms. Wilbert?</p> <p>23 A. I said that's correct.</p> <p>24 Q. Okay. And you answered a number of</p> <p>25 questions that were asked about the 375 -- 379</p>	<p style="text-align: right;">Page 139</p> <p>1 loans that were transmitted to the Boston</p> <p>2 Portfolio Advisors. But you didn't actually</p> <p>3 talk to anybody that did that transmission at</p> <p>4 PHEAA; right?</p> <p>5 MS. SCRIVANI: Objection.</p> <p>6 THE WITNESS: That's correct.</p> <p>7 BY MS. HENRY:</p> <p>8 Q. So how do you know any information</p> <p>9 about the 379 loans?</p> <p>10 MS. SCRIVANI: Objection,</p> <p>11 asked and answered.</p> <p>12 THE WITNESS: My attorney</p> <p>13 spoke with Vicky in external audits, and I</p> <p>14 spoke with my attorney.</p> <p>15 BY MS. HENRY:</p> <p>16 Q. Okay. So when you testified about</p> <p>17 the 379 loans that were sent by hard copy, that</p> <p>18 is information that you got from your attorney;</p> <p>19 is that right?</p> <p>20 A. That's correct.</p> <p>21 Q. And when you, for the 379 loans,</p> <p>22 when you said that they only had access to</p> <p>23 COMPASS, is that information that came from</p> <p>24 your attorney?</p> <p>25 A. I believe that is -- that was the</p>
<p style="text-align: right;">Page 140</p> <p>1 case, yes.</p> <p>2 Q. Do you have any other information</p> <p>3 besides what was given to your attorney to know</p> <p>4 that information, Ms. Wilbert?</p> <p>5 A. No, I do not.</p> <p>6 Q. And when you stated that they were</p> <p>7 provided read-only access to your system while</p> <p>8 they were on-site, was that, again, information</p> <p>9 that was provided to you by your attorney?</p> <p>10 A. Yes, that's correct.</p> <p>11 Q. And does your attorney work for</p> <p>12 PHEAA?</p> <p>13 A. It's our outside counsel.</p> <p>14 Q. Okay.</p> <p>15 A. Stacey.</p> <p>16 Q. And so when you said that you knew</p> <p>17 what records that they were analyzed for the</p> <p>18 BPA, that, again, was information you only knew</p> <p>19 through your outside counsel; correct?</p> <p>20 MS. SCRIVANI: Objection,</p> <p>21 mischaracterizes testimony.</p> <p>22 MR. ROTA: Objection.</p> <p>23 MS. SCRIVANI: She said she</p> <p>24 did not know what records were analyzed.</p> <p>25 MS. HENRY: Strike that. Fair</p>	<p style="text-align: right;">Page 141</p> <p>1 enough.</p> <p>2 BY MS. HENRY:</p> <p>3 Q. You've also never worked for First</p> <p>4 Marblehead Corporation; correct?</p> <p>5 A. That's correct.</p> <p>6 Q. And you have never worked for First</p> <p>7 Marblehead Education Resource; correct?</p> <p>8 A. Correct.</p> <p>9 Q. And have you ever worked for The</p> <p>10 Educational Resource Institute or TERI?</p> <p>11 A. No.</p> <p>12 Q. Have you ever worked for JPMorgan</p> <p>13 Chase?</p> <p>14 A. No.</p> <p>15 Q. Have you ever worked for Bank of</p> <p>16 America?</p> <p>17 A. No.</p> <p>18 Q. And did you have any training from</p> <p>19 JPMorgan Chase as to how they maintain their</p> <p>20 records?</p> <p>21 MS. SCRIVANI: Objection,</p> <p>22 beyond the scope of the deposition and not</p> <p>23 related to 30(b)(6) at all.</p> <p>24 MS. HENRY: I'm sorry. I</p> <p>25 disagree with you.</p>

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<p style="text-align: right;">Page 142</p> <p>1 BY MS. HENRY:</p> <p>2 Q. Can you please answer the question,</p> <p>3 Ms. Wilbert?</p> <p>4 MS. SCRIVANI: I'm instructing</p> <p>5 you not to answer the question.</p> <p>6 MS. HENRY: You're instructing</p> <p>7 her not to answer?</p> <p>8 MS. SCRIVANI: Because you're</p> <p>9 asking her in her individual capacity which she</p> <p>10 said --</p> <p>11 MS. HENRY: I am asking her --</p> <p>12 BY MS. HENRY:</p> <p>13 Q. In your capacity as a corporate</p> <p>14 representative of PHEAA, has PHEAA had any</p> <p>15 training by JPMorgan Chase as to how they have</p> <p>16 kept documents and maintained documents for the</p> <p>17 National Collegiate Student Loan Trust 2007-3?</p> <p>18 MS. SCRIVANI: Objection,</p> <p>19 beyond the scope. You can answer if you know.</p> <p>20 THE WITNESS: No.</p> <p>21 BY MS. HENRY:</p> <p>22 Q. Thank you. Do you know if any</p> <p>23 changes were made to documents before they were</p> <p>24 delivered to you?</p> <p>25 MS. SCRIVANI: Objection.</p>	<p style="text-align: right;">Page 143</p> <p>1 THE WITNESS: I'm sorry, I</p> <p>2 cannot hear you.</p> <p>3 BY MS. HENRY:</p> <p>4 Q. Do you know if any changes were made</p> <p>5 to collateral loan documents for the 2007-3</p> <p>6 trust before they were delivered to PHEAA?</p> <p>7 MS. SCRIVANI: Objection.</p> <p>8 MR. ROTA: Objection.</p> <p>9 THE WITNESS: No.</p> <p>10 BY MS. HENRY:</p> <p>11 Q. Do you know if any changes were made</p> <p>12 to the origination data before it was delivered</p> <p>13 to PHEAA?</p> <p>14 MS. SCRIVANI: Objection.</p> <p>15 THE WITNESS: No.</p> <p>16 BY MS. HENRY:</p> <p>17 Q. Do you know if any changes were made</p> <p>18 to any other database information before it was</p> <p>19 delivered to PHEAA?</p> <p>20 MS. SCRIVANI: Objection.</p> <p>21 BY MS. HENRY:</p> <p>22 Q. Of the 2007-3 loans?</p> <p>23 A. No.</p> <p>24 MS. SCRIVANI: Same objection.</p> <p>25 MS. HENRY: Thank you. And as</p>
<p style="text-align: right;">Page 144</p> <p>1 I stated on the record before, we are asking</p> <p>2 this deposition be continued.</p> <p>3 MS. SCRIVANI: We set the date</p> <p>4 and time aside for this deposition. The</p> <p>5 witness is here, was prepared for, and did</p> <p>6 testify. And so to the extent the deposition</p> <p>7 concludes today, PHEAA has satisfied its</p> <p>8 obligations under the Subpoena for this</p> <p>9 deposition. We will not make Ms. Wilbert</p> <p>10 available again.</p> <p>11 (At 2:35 p.m., the deposition</p> <p>12 was concluded. Signature was not waived.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 145</p> <p>1 C E R T I F I C A T E</p> <p>2 - - -</p> <p>3 I, JENNIFER WILBERT, do hereby</p> <p>4 certify that I have read the foregoing</p> <p>5 transcript and it is a true and correct copy of</p> <p>6 my deposition, except for the changes, if any,</p> <p>7 made by me on the attached Deposition</p> <p>8 Correction Sheet.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>1 ERRATA SHEET REASON FOR Page 146</p> <p>2 PAGE LINE CHANGE/CORRECTION</p> <p>3 _____</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p>	<p>1 COMMONWEALTH OF PENNSYLVANIA) Page 147</p> <p>2) SS</p> <p>3 COUNTY OF ALLEGHENY)</p> <p>4 CERTIFICATE</p> <p>5 I, Karen A. Nickel, a notary public in and</p> <p>6 for the Commonwealth of Pennsylvania, do hereby</p> <p>7 certify that the witness, JENNIFER WILBERT, was</p> <p>8 by me first duly sworn to testify the truth,</p> <p>9 the whole truth, and nothing but the truth;</p> <p>10 that the foregoing deposition was taken at the</p> <p>11 time and place stated herein; and that the said</p> <p>12 deposition was recorded stenographically by me</p> <p>13 and then reduced to typewriting under my</p> <p>14 direction, and constitutes a true record of the</p> <p>15 testimony given by said witness.</p> <p>16 I further certify that I am not a</p> <p>17 relative, employee or attorney of any of the</p> <p>18 parties, or a relative or employee of either</p> <p>19 counsel, and that I am in no way interested</p> <p>20 directly or indirectly in this action.</p> <p>21 IN WITNESS WHEREOF, I have hereunto set my</p> <p>22 hand and affixed my seal of office this 7th day</p> <p>23 of March 2023.</p> <p>24 </p> <p>25</p> <p>26 /S/ Karen A. Nickel, Notary Public</p> <p>27 Registered Professional Reporter</p> <p>28 Certified Realtime Reporter</p> <p>29 My Commission Expires March 19, 2024</p>
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Exhibits			3
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